

ESTTA Tracking number: **ESTTA776111**

Filing date: **10/12/2016**

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	Cenovus Energy Inc.
Granted to Date of previous extension	10/12/2016
Address	4000, 421 - 7th Avenue S.W. Calgary, Alberta, T2P4K9 CANADA

Domestic Representative	Douglas R. Wolf Wolf, Greenfield & Sacks P.C. 600 Atlantic Avenue Boston, MA 02210 UNITED STATES drwtrademarks@wolfgreenfield.com, sgstrademarks@wolfgreenfield.com, jl-trademarks@wolfgreenfield.com Phone:6176468000
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Applicant Information

Application No	77468573	Publication date	06/14/2016
Opposition Filing Date	10/12/2016	Opposition Period Ends	10/12/2016
International Registration No.	NONE	International Registration Date	NONE
Applicant	VERMILLION INTELLECTUAL PROPERTY CORPORATION 400 Hanson Square, 909 17 Avenue SW Calgary, Alberta, T2T0A4 CANADA		

Goods/Services Affected by Opposition

<p>Class 009. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: (Based on Intent to Use) Computer software for use in designing, installing and executing mainframe and server application programs, for integrating the financial, manufacturing, sustainability, and sales functions of businesses and organizations, and for managing customer service and support functions of businesses and organizations; Computer software for use by businesses and organizations to manage the functions of accounting and finance, business planning, human resources, legal and insurance, marketing and sales, business operations, sustainable business operations and information technology; computer software for use in content management; and downloadable software for use by businesses and organizations to manage the functions of accounting and finance, business planning, human resources, legal and insurance, marketing and sales, business operations, sustainable business operations and information technology</p>
<p>Class 016. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: (Based on Section 44(e)) printed materials, namely, pamphlets, reports and printed guides, all in the field of best practices and techniques for</p>

businesses, organizations, people and societies in the areas of management, financial performance, sustainability performance, sustainability reporting, economics, marketing and sales except in the field of sales and marketing skills for mortgage and home equity loans, media relations, communication and advertising, cultural activities, fair trade, public policy, leadership, environment, social affairs and public affairs; stationery supplies, namely, pens, notepads, postcards; bumper stickers, decals; paper napkins

Class 018. First Use: 0 First Use In Commerce: 0

All goods and services in the class are opposed, namely: (Based on Section 44(e)) Canvas shopping bags

Class 035. First Use: 0 First Use In Commerce: 0

All goods and services in the class are opposed, namely: (Based on Section 44(e)) Association services, namely, promoting the interests and policy agenda of various organizations, namely, promoting public interest in and awareness of the importance of sustainable development that takes care of people, planet and profit, and promoting public interest in and awareness of the importance of other public and social affairs; advertising and marketing services with or on behalf of third parties, namely, promoting fundraising for and education about and public and business support for sustainable development and other public affairs, namely, by the dissemination of printed materials and of other advertising materials; promoting public interest in and awareness of the need for financial support to non-governmental organizations and their programs; promoting public interest in and awareness of global issues and international cooperation; association services, namely, business administration of philanthropic projects and activities; association services, namely, organizing and conducting business incentive awards programs and personal leadership incentive awards programs to promote quality and sustainability in the fields of business, finance, institutional investment, technology, procurement, human resource management, communication and advertising, real estate, construction, architecture, engineering, philanthropy, teaching, law and public policy; association services, namely, administering educational, cultural, international student, and professional exchange programs, and research programs in the fields of business, law, technology, politics, international relations, fair trade, sustainable development, civil society, and human rights; association services, namely, promoting ethical practice, technical competency and professional standards in the fields of professional information workers, namely, business managers and consultants, sustainability managers and consultants, procurement managers and consultants, human resources managers and consultants, training managers and consultants, communication managers and consultants, real estate managers and consultants, construction managers and consultants, investment managers and advisors, teachers, engineers and architects; association services, namely, administering international research grant programs; association services, namely, promoting public awareness and participation regarding policy and legislative issues and leadership positions at community, local and national levels; association services, namely, promoting the goods and services of others by distributing advertising materials through newsletters and e-mail; association services, namely, advertising and promotional services rendered via making phone calls, proposing policies and legislation, and encouraging members and the public at large to take action through lobbying and other means to help shape public policy, legislation and leadership positions; association services, namely, providing business and public policy information to members and the public at large regarding issues relating to policies, legislation and leadership positions at community, local and national levels; political action committee services, namely, promoting the interests of political candidates running for elected office; accounting services, namely, account and business auditing, business sustainability auditing; business and business management consulting; business process consulting; business marketing consulting services except in the field of sales and marketing skills for mortgage and home equity loans; market research services, namely, conducting business, market research, and opinion poll surveys in the field of politics, economics, public, international, and social affairs, leisure, cultural activities and commercial affairs; opinion polling for business, non-business, political, advertising and non-advertising purposes; marketing services, namely, production and interpretation of consumer information collected on public and consumer opinions and behavior within the scope of research, marketing, advertising studies, and satisfaction studies and disseminating marketing information; conducting profit surveys; electronic data collection and data submission services for business purposes to a central file in the fields of politics, economics, social affairs, leisure, cultural activities and commercial affairs, and analysis of this data once collected; providing statistical information for business, research or regulatory purposes; message transcription for others; data processing in the field of advertising, marketing and communication; economic analysis; cooperative advertising and marketing services; procurement services, namely, purchasing office furniture, telephone equipment, oil field tools, oil field equipment,

callcenter equipment, and security and monitoring equipment for others; waste disposal procurement, namely, purchasing of waste disposal equipment and services for others; energy supply purchasing procurement for others; providing business information in the fields of sustainable development, business management, accounting and business marketing except in the field of sales and marketing skills for mortgage and home equity loans; business project management in the fields of specification relating to business process design, namely, need, analysis and implementation; analysis services, namely, audit services in the fields of account auditing, auditing utility rates for others, business auditing, energy bill auditing, insurance premiums auditing; business information services in the field of sustainable development, business change management, business process management, business strategic planning services and business technology; business management planning, networking and supervision; commercial and industrial business management assistance; business center services, namely, rental of office equipment and machinery; business center services, namely, providing office facilities featuring integrated telephone and computer data systems for others; business center services, namely, providing services relating to the operation of offices, namely, secretarial, mail handling, paraprofessional temporary employment, document reproduction, telephone answering, word processing and document management services; business center services, namely, providing facilities for business meetings; human resources services, namely, personnel search, recruitment and placement services; human resources services, namely, temporary staffing services; human resources services, namely, providing technical support workers, and other professional and non-professional workers to others on an outsourcing basis; human resources services, namely, secretarial services; human resources services, namely, career management services; human resources services, namely, advertising and promotional services for businesses to their employees and prospective employees, as well as to students; business management assistance to employers in implementing more effective employer - employee communications; human resources services, namely, personnel management consulting; online recruiting services, namely, providing searchable job postings and resume postings; advertising services, namely, personnel recruitment advertising and response management services; advertising agency services; preparation of advertising for others in the electronic and print media; advertising services, namely, providing coupons and discounts for goods and services offered by others; advertising services, namely, creating corporate logos for others, creating corporate and brand identities for others; rental of advertising space; commercial information and directory agency; public relations services; publicity services; providing a computerized online business-to-business portal providing links to business and marketing information and resources in the field of business, law, technology, fair trade, sustainable development, civil society, and human rights; business forms for use by businesses, governments, and non-governmental organizations; organizing business networking events in the fields of business, law, technology, fair trade, sustainable development, civil society, and human rights; and arranging and conducting trade shows and business conferences in the field of sustainable development, business, business management, and other public business affairs; mediation services in conclusion of commercial transactions for others; mediation of agreements regarding the sale and purchase of goods and services; lawyer referral services; Computer services, namely, providing a computer database for the exchange of business information and news about best practices and lessons learned between businesses, governments, non-governmental organizations and people in the areas of business management, organizational performance, accounting, business sustainability performance, business sustainability reporting, managed offices, outsourcing, procurement, account and business auditing, economics, human resources, employment opportunities, industry market research, consumer market research, marketing and sales, media relations, communication and advertising, fair trade, politics, public policy, the legislative process, government, business, leadership, business networking, and the promotion of awareness of and fostering development of a civil society; providing business news, information, and consultation in the fields in the electronic and print media in the areas of business management, business sustainability performance, business sustainability reporting, industry market research, consumer market research, marketing and sales, communication and advertising, fair trade, politics, public policy, business, leadership, and the promotion of awareness of and fostering development of a civil society; arranging and conducting of marketing promotional events for others and joint advertisement and promotional events for others; advertising and promotion services, namely, recruiting sponsors to support a third party organization in exchange for the promotion of the sponsors' goods or services

Class 036. First Use: 0 First Use In Commerce: 0

All goods and services in the class are opposed, namely: (Based on Section 44(e)) Charitable, not-for-profit and political fund-raising services for others; providing grants, financial support and financial advisory and consultancy services to non-governmental organizations and their recipients in the field

of sustainable development, economics and economic development, governmental and social policy, public and social affairs, human and civil rights, education, legal reform, media and communications, international affairs, and the promotion of awareness of and fostering the development of a civil society; providing news, information, and consultation in the field of financial support to non-governmental organizations; providing news, information, and consultation pertaining to financial, and investment matters as they relate to the field of sustainable development, economics and economic development, governmental and social policy, public and social affairs, human and civil rights, education, media and communications, and international affairs; providing grants for research and international fellowship programs; providing monetary exchange services; financial sponsorship of programs for the distribution of educational materials, namely, books, textbooks and software; financial research; financing of venture capital, namely, venture capital funding services to emerging and start-up companies; financial planning, consulting and management services; investment planning, consulting and management services; mutual fund investment and brokerage services; mutual fund portfolio management services; securities portfolio management services; providing advice relating to insurance issues; professional liability insurance procurement for others, namely, selecting group plans to which others may optionally subscribe; financial research in the attainment of benefits, business interruption and loss determination; providing financial information, financial analysis and consultation; financial management; real estate management consultation; leasing, management, and rental of commercial property; real estate brokerage services; mortgage and insurance brokerage services; and providing financial news, information, and consultation in the fields of electronic and print media; business center services, namely, leasing and renting space within managed offices; business center services, namely, providing off-site managed office space for others; Computer services, namely, providing a computer database for the exchange of information and news about financial performance, financial reporting, computerized financial information processing, and insurance

Class 037. First Use: 0 First Use In Commerce: 0

All goods and services in the class are opposed, namely: (Based on Section 44(e)) construction management consultation; construction planning, and construction supervision; Computer services, namely, providing a computer database for the exchange of information and news about construction

Class 038. First Use: 0 First Use In Commerce: 0

All goods and services in the class are opposed, namely: (Based on Section 44(e)) Telecommunication services, namely, telephone communication services, audio and video teleconferencing services, electronic mail services, electronic transmission of images and data via computer and a global computer network; Computer services, namely, providing access to databases to enable real-time interaction between computer users about best business practices and lessons; leasing and renting telephone and videoconferencing equipment; streaming of audio, visual and audiovisual material in the fields of business, law, technology, fair trade, politics, sustainable development, leisure, civil society, and human rights via a global computer network; news agency services for electronic transmission

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

All goods and services in the class are opposed, namely: (Based on Section 44(e)) Educational services, namely, conducting seminars, workshops and classes, all in the field of best practices and techniques for businesses, organizations, people and societies in the areas of management, sustainability performance, engineering, construction, architecture, accounting, sustainability reporting, information technology, outsourcing, procurement, auditing, economics, insurance, human resources, law, consumer market research, marketing and sales except in the field of sales and marketing skills for mortgage and home equity loans, communication and advertising, politics, public policy, leadership, environment, social affairs and public affairs, and distributing course materials in connection therewith, and all provided through workshops, seminars and via a global computer network; educational services, namely, arranging and conducting educational and cultural international student and professional exchange programs, educational policy conferences and research programs; educational services, namely, providing online non-downloadable publications in the nature of articles and white papers in the fields of business, law, technology, fair trade, politics, sustainable development, leisure, civil society, and human rights via web sites and online computer databases; educational services, namely, providing podcasts in the fields of business, law, technology, fair trade, politics, sustainable development, leisure, civil society, and human rights; educational services, namely, providing current events news and information relating to business, law, technology, fair trade, politics, sustainable development, leisure, civil society, and human rights via web sites, online computer databases, streaming audio and video, and pod casts; educational services, namely, development and dissemination of printed educational materials of others in the fields of business, law, technology, fair trade, politics, sustainable development, civil society, and human rights; educational services, namely, conducting

seminars, workshops and classes in the field of business, law, technology, fair trade, politics, sustainable development, civil society, and humanrights; educational services, namely, developing a curriculum for schools that provides students with simulations and real-world experiences; arranging and conducting debates and speeches; entertainment services, namely, providing single- and multi-episode narratives of citizens, business people, and researchers attempting to solve business and social challenges in the fields of business, law, technology, fair trade, politics, sustainable development, civil society, and human rights, provided via web sites, onlinecomputer databases, streamed audio and video, and pod casts; career counseling,namely, providing advice concerning education options to pursue career opportunities; news agency services, namely, gathering and dissemination of news; entertainment services, namely, production of programming to be distributed via television, streaming audio and video, and podcasts; organizing and conducting luncheon and dinner events recognizing the achievements of private and public companies and governmental and non-governmental organizations for the purpose of fostering progress in sustainable development and in other public affairs; news agency services; Computer services, namely, providing a computer database for the exchange of information and news about socialaffairs and public affairs

Class 042. First Use: 0 First Use In Commerce: 0

All goods and services in the class are opposed, namely: (Based on Section 44(e)) Computer services, namely, providing an online computer database in the fields of engineering,architecture, information technology and environmental science; Providing a website featuring technology that enables users to post and share news and information about engineering, architecture, information technology, law, arbitration, mediation and environmental conditions; providing information in the fields of information technology, computer technology and computer systems; consulting in the areas of computer, computer systems and information technology; computer services, namely, computer programming services for others; computer services, namely, creating websites for others; computerservices, namely, building and maintaining websites for others; application service provider services, namely, hosting a server platform and third-party software that allows others to make fractionaluse of system resources and software licenses; application service provider services featuring software for providing integrated telephone and computer data systems for others; scientific research and consultation, namely, providing industrial analysis and research related to technology change and sustainable development; scientific research and consultation, namely, providing social analysis andresearch related to public affairs; engineering and engineering consulting in the fields of environmental remediation, transportation, water control and delivery, waste water purification and disposal, civil engineering, fire engineering, thermal engineering and hydro technical engineering; and architectural design services; providing temporary use of non-downloadable software tools for conducting business, market research, and opinionpoll surveys in the field of politics, public, international, and social affairs, leisure, cultural activities and commercial affairs by businesses, governments and non-governmental organizations; providing temporary use of non-downloadable software tools for performance benchmarking, organizing and conducting awards programs by businesses, governments and non-governmental organizations; providing temporary use of non-downloadable software tools for administering educationaland cultural international student and professional exchange programs and research programs in the fields of business, law, technology, politics, internationalrelations, fair trade, sustainable development, civil society, and human rightsby businesses, governments and non-governmental organizations; providing temporary use of non-downloadable software tools for distributing newsletters, e-mail,faxes, and group web chat; providing temporary use of on-line non-downloadable software for use in communicating via voice calls as well as via e-mail and group web chat to encourage members, business people and the public at large to takeaction through lobbying and other meansto help shape public policy, legislation and leadership positions, for use by businesses, governments and non-governmental organizations; providing temporary use of on-line non-downloadable software for use in advertising and marketing viavoice calls as well as via e-mail and group web chat to members, business people and the public at large, for use by businesses, governments and non-governmental organizations; providing temporary use of on-line non-downloadable software tools for use in cooperative advertising and marketing services, as well as in employee and student communications, by businesses, governments and non-governmental organizations; energy auditing; providing direct technical assistance to non-governmental organizations and their recipients operating in the fields of sustainable development, economics and economic development, governmental and social policy, public and social affairs, humanand civil rights, education, legal reform, media and communications, and international affairs, namely, technical writing and technical consultation in the fields of environmental science and environmental monitoring for quality control purposes, and quality evaluation of internet technology and services and implementation advice regarding inter-

net technology and services
Class 043. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: (Based on Section 44(e)) Providing temporary kitchen facilities; catering services
Class 045. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: (Based on Section 44(e)) Mediation of disputes between two parties; legal services; reviewing standards and practices to assure compliance with environmental, public financial market, telecommunications, building code and zoning laws and regulations; Computer services, namely, providing an on-line computer database in the fields of law, arbitration and mediation

Grounds for Opposition

No bona fide intent to use mark in commerce for identified goods or services	Trademark Act Section 1(b)
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Attachments	C1403.50001US00 Notice of Opposition.pdf(558747 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	/sgs/
Name	Stephanie G. Stella
Date	10/12/2016

manage the functions of accounting and finance, business planning, human resources, legal and insurance, marketing and sales, business operations, sustainable business operations and information technology; computer software for use in content management; and downloadable software for use by businesses and organizations to manage the functions of accounting and finance, business planning, human resources, legal and insurance, marketing and sales, business operations, sustainable business operations and information technology,

in International Class 9;

printed materials, namely, pamphlets, reports and printed guides, all in the field of best practices and techniques for businesses, organizations, people and societies in the areas of management, financial performance, sustainability performance, sustainability reporting, economics, marketing and sales except in the field of sales and marketing skills for mortgage and home equity loans, media relations, communication and advertising, cultural activities, fair trade, public policy, leadership, environment, social affairs and public affairs; stationery supplies, namely, pens, notepads, postcards; bumper stickers, decals; paper napkins,

in International Class 16; “canvas shopping bags,” in International Class 18;

association services, namely, promoting the interests and policy agenda of various organizations, namely, promoting public interest in and awareness of the importance of sustainable development that takes care of people, planet and profit, and promoting public interest in and awareness of the importance of other public and social affairs; advertising and marketing services with or on behalf of third parties, namely, promoting fundraising for and education about and public and business support for sustainable development and other public affairs, namely, by the dissemination of printed materials and of other advertising materials; promoting public interest in and awareness of the need for financial support to non-governmental organizations and their programs; promoting public interest in and awareness of global issues and international cooperation; association services, namely, business administration of philanthropic projects and activities; association services, namely, organizing and conducting business incentive awards programs and personal leadership incentive awards programs to promote quality and sustainability in the fields of business, finance, institutional investment, technology, procurement, human resource management, communication and advertising, real estate, construction, architecture, engineering, philanthropy, teaching, law and public policy; association services, namely, administering educational, cultural, international student, and professional exchange programs, and research programs in the fields of business, law, technology, politics, international relations, fair trade, sustainable development, civil society, and human rights; association services, namely, promoting ethical practice, technical competency and professional standards in the fields of professional information workers, namely, business managers and consultants, sustainability managers and consultants, procurement managers and

consultants, human resources managers and consultants, training managers and consultants, communication managers and consultants, real estate managers and consultants, construction managers and consultants, investment managers and advisors, teachers, engineers and architects; association services, namely, administering international research grant programs; association services, namely, promoting public awareness and participation regarding policy and legislative issues and leadership positions at community, local and national levels; association services, namely, promoting the goods and services of others by distributing advertising materials through newsletters and e-mail; association services, namely, advertising and promotional services rendered via making phone calls, proposing policies and legislation, and encouraging members and the public at large to take action through lobbying and other means to help shape public policy, legislation and leadership positions; association services, namely, providing business and public policy information to members and the public at large regarding issues relating to policies, legislation and leadership positions at community, local and national levels; political action committee services, namely, promoting the interests of political candidates running for elected office; accounting services, namely, account and business auditing, business sustainability auditing; business and business management consulting; business process consulting; business marketing consulting services except in the field of sales and marketing skills for mortgage and home equity loans; market research services, namely, conducting business, market research, and opinion poll surveys in the field of politics, economics, public, international, and social affairs, leisure, cultural activities and commercial affairs; opinion polling for business, non-business, political, advertising and non-advertising purposes; marketing services, namely, production and interpretation of consumer information collected on public and consumer opinions and behavior within the scope of research, marketing, advertising studies, and satisfaction studies and disseminating marketing information; conducting profit surveys; electronic data collection and data submission services for business purposes to a central file in the fields of politics, economics, social affairs, leisure, cultural activities and commercial affairs, and analysis of this data once collected; providing statistical information for business, research or regulatory purposes; message transcription for others; data processing in the field of advertising, marketing and communication; economic analysis; cooperative advertising and marketing services; procurement services, namely, purchasing office furniture, telephone equipment, oil field tools, oil field equipment, call center equipment, and security and monitoring equipment for others; waste disposal procurement, namely, purchasing of waste disposal equipment and services for others; energy supply purchasing procurement for others; providing business information in the fields of sustainable development, business management, accounting and business marketing except in the field of sales and marketing skills for mortgage and home equity loans; business project management in the fields of specification relating to business process design, namely, need, analysis and implementation; analysis services, namely, audit services in the fields of account auditing, auditing utility rates for others, business auditing, energy bill auditing, insurance premiums auditing; business information

services in the field of sustainable development, business change management, business process management, business strategic planning services and business technology; business management planning, networking and supervision; commercial and industrial business management assistance; business center services, namely, rental of office equipment and machinery; business center services, namely, providing office facilities featuring integrated telephone and computer data systems for others; business center services, namely, providing services relating to the operation of offices, namely, secretarial, mail handling, paraprofessional temporary employment, document reproduction, telephone answering, word processing and document management services; business center services, namely, providing facilities for business meetings; human resources services, namely, personnel search, recruitment and placement services; human resources services, namely, temporary staffing services; human resources services, namely, providing technical support workers, and other professional and non-professional workers to others on an outsourcing basis; human resources services, namely, secretarial services; human resources services, namely, career management services; human resources services, namely, advertising and promotional services for businesses to their employees and prospective employees, as well as to students; business management assistance to employers in implementing more effective employer - employee communications; human resources services, namely, personnel management consulting; online recruiting services, namely, providing searchable job postings and resume postings; advertising services, namely, personnel recruitment advertising and response management services; advertising agency services; preparation of advertising for others in the electronic and print media; advertising services, namely, providing coupons and discounts for goods and services offered by others; advertising services, namely, creating corporate logos for others, creating corporate and brand identities for others; rental of advertising space; commercial information and directory agency; public relations services; publicity services; providing a computerized online business-to-business portal providing links to business and marketing information and resources in the field of business, law, technology, fair trade, sustainable development, civil society, and human rights, business forms for use by businesses, governments, and non-governmental organizations; organizing business networking events in the fields of business, law, technology, fair trade, sustainable development, civil society, and human rights; and arranging and conducting trade shows and business conferences in the field of sustainable development, business, business management, and other public business affairs; mediation services in conclusion of commercial transactions for others; mediation of agreements regarding the sale and purchase of goods and services; lawyer referral services; Computer services, namely, providing a computer database for the exchange of business information and news about best practices and lessons learned between businesses, governments, non-governmental organizations and people in the areas of business management, organizational performance, accounting, business sustainability performance, business sustainability reporting, managed offices, outsourcing, procurement, account and business auditing, economics, human resources, employment opportunities, industry market

research, consumer market research, marketing and sales, media relations, communication and advertising, fair trade, politics, public policy, the legislative process, government, business, leadership, business networking, and the promotion of awareness of and fostering development of a civil society; providing business news, information, and consultation in the fields in the electronic and print media in the areas of business management, business sustainability performance, business sustainability reporting, industry market research, consumer market research, marketing and sales, communication and advertising, fair trade, politics, public policy, business, leadership, and the promotion of awareness of and fostering development of a civil society; arranging and conducting of marketing promotional events for others and joint advertisement and promotional events for others; advertising and promotion services, namely, recruiting sponsors to support a third party organization in exchange for the promotion of the sponsors' goods or services,

in International Class 35;

charitable, not-for-profit and political fund-raising services for others; providing grants, financial support and financial advisory and consultancy services to non-governmental organizations and their recipients in the field of sustainable development, economics and economic development, governmental and social policy, public and social affairs, human and civil rights, education, legal reform, media and communications, international affairs, and the promotion of awareness of and fostering the development of a civil society; providing news, information, and consultation in the field of financial support to non-governmental organizations; providing news, information, and consultation pertaining to financial, and investment matters as they relate to the field of sustainable development, economics and economic development, governmental and social policy, public and social affairs, human and civil rights, education, media and communications, and international affairs; providing grants for research and international fellowship programs; providing monetary exchange services; financial sponsorship of programs for the distribution of educational materials, namely, books, textbooks and software; financial research; financing of venture capital, namely, venture capital funding services to emerging and start-up companies; financial planning, consulting and management services; investment planning, consulting and management services; mutual fund investment and brokerage services; mutual fund portfolio management services; securities portfolio management services; providing advice relating to insurance issues; professional liability insurance procurement for others, namely, selecting group plans to which others may optionally subscribe; financial research in the attainment of benefits, business interruption and loss determination; providing financial information, financial analysis and consultation; financial management; real estate management consultation; leasing, management, and rental of commercial property; real estate brokerage services; mortgage and insurance brokerage services; and providing financial news, information, and consultation in the fields of electronic and print media; business center services, namely, leasing

and renting space within managed offices; business center services, namely, providing off-site managed office space for others; Computer services, namely, providing a computer database for the exchange of information and news about financial performance, financial reporting, computerized financial information processing, and insurance,

in International Class 36; “construction management consultation; construction planning, and construction supervision; computer services, namely, providing a computer database for the exchange of information and news about construction,” in International Class 37;

telecommunication services, namely, telephone communication services, audio and video teleconferencing services, electronic mail services, electronic transmission of images and data via computer and a global computer network; computer services, namely, providing access to databases to enable real-time interaction between computer users about best business practices and lessons; leasing and renting telephone and videoconferencing equipment; streaming of audio, visual and audiovisual material in the fields of business, law, technology, fair trade, politics, sustainable development, leisure, civil society, and human rights via a global computer network; news agency services for electronic transmission,

in International Class 38;

educational services, namely, conducting seminars, workshops and classes, all in the field of best practices and techniques for businesses, organizations, people and societies in the areas of management, sustainability performance, engineering, construction, architecture, accounting, sustainability reporting, information technology, outsourcing, procurement, auditing, economics, insurance, human resources, law, consumer market research, marketing and sales except in the field of sales and marketing skills for mortgage and home equity loans, communication and advertising, politics, public policy, leadership, environment, social affairs and public affairs, and distributing course materials in connection therewith, and all provided through workshops, seminars and via a global computer network; educational services, namely, arranging and conducting educational and cultural international student and professional exchange programs, educational policy conferences and research programs; educational services, namely, providing online non-downloadable publications in the nature of articles and white papers in the fields of business, law, technology, fair trade, politics, sustainable development, leisure, civil society, and human rights via web sites and online computer databases; educational services, namely, providing podcasts in the fields of business, law, technology, fair trade, politics, sustainable development, leisure, civil society, and human rights; educational services, namely, providing current events news and information relating to business, law, technology, fair trade, politics, sustainable development, leisure, civil society, and human rights via web

sites, online computer databases, streaming audio and video, and pod casts; educational services, namely, development and dissemination of printed educational materials of others in the fields of business, law, technology, fair trade, politics, sustainable development, civil society, and human rights; educational services, namely, conducting seminars, workshops and classes in the field of business, law, technology, fair trade, politics, sustainable development, civil society, and human rights; educational services, namely, developing a curriculum for schools that provides students with simulations and real-world experiences; arranging and conducting debates and speeches; entertainment services, namely, providing single- and multi-episode narratives of citizens, business people, and researchers attempting to solve business and social challenges in the fields of business, law, technology, fair trade, politics, sustainable development, civil society, and human rights, provided via web sites, online computer databases, streamed audio and video, and pod casts; career counseling, namely, providing advice concerning education options to pursue career opportunities; news agency services, namely, gathering and dissemination of news; entertainment services, namely, production of programming to be distributed via television, streaming audio and video, and pod casts; organizing and conducting luncheon and dinner events recognizing the achievements of private and public companies and governmental and non-governmental organizations for the purpose of fostering progress in sustainable development and in other public affairs; news agency services; Computer services, namely, providing a computer database for the exchange of information and news about social affairs and public affairs,

in International Class 41;

computer services, namely, providing an online computer database in the fields of engineering, architecture, information technology and environmental science; providing a website featuring technology that enables users to post and share news and information about engineering, architecture, information technology, law, arbitration, mediation and environmental conditions; providing information in the fields of information technology, computer technology and computer systems; consulting in the areas of computer, computer systems and information technology; computer services, namely, computer programming services for others; computer services, namely, creating websites for others; computer services, namely, building and maintaining websites for others; application service provider services, namely, hosting a server platform and third-party software that allows others to make fractional use of system resources and software licenses; application service provider services featuring software for providing integrated telephone and computer data systems for others; scientific research and consultation, namely, providing industrial analysis and research related to technology change and sustainable development; scientific research and consultation, namely, providing social analysis and research related to public affairs; engineering and engineering consulting in the fields of environmental remediation, transportation, water control and delivery, waste water purification

and disposal, civil engineering, fire engineering, thermal engineering and hydro technical engineering; and architectural design services; providing temporary use of non-downloadable software tools for conducting business, market research, and opinion poll surveys in the field of politics, public, international, and social affairs, leisure, cultural activities and commercial affairs by businesses, governments and non-governmental organizations; providing temporary use of non-downloadable software tools for performance benchmarking, organizing and conducting awards programs by businesses, governments and non-governmental organizations; providing temporary use of non-downloadable software tools for administering educational and cultural international student and professional exchange programs and research programs in the fields of business, law, technology, politics, international relations, fair trade, sustainable development, civil society, and human rights by businesses, governments and non-governmental organizations; providing temporary use of non-downloadable software tools for distributing newsletters, e-mail, faxes, and group web chat; providing temporary use of on-line non-downloadable software for use in communicating via voice calls as well as via e-mail and group web chat to encourage members, business people and the public at large to take action through lobbying and other means to help shape public policy, legislation and leadership positions, for use by businesses, governments and non-governmental organizations; providing temporary use of on-line non-downloadable software for use in advertising and marketing via voice calls as well as via e-mail and group web chat to members, business people and the public at large, for use by businesses, governments and non-governmental organizations; providing temporary use of on-line non-downloadable software tools for use in cooperative advertising and marketing services, as well as in employee and student communications, by businesses, governments and non-governmental organizations; energy auditing; providing direct technical assistance to non-governmental organizations and their recipients operating in the fields of sustainable development, economics and economic development, governmental and social policy, public and social affairs, human and civil rights, education, legal reform, media and communications, and international affairs, namely, technical writing and technical consultation in the fields of environmental science and environmental monitoring for quality control purposes, and quality evaluation of internet technology and services and implementation advice regarding internet technology and services,

in International Class 42; “providing temporary kitchen facilities; catering services,”

in International Class 43; and “mediation of disputes between two parties; legal services;

reviewing standards and practices to assure compliance with environmental, public financial market, telecommunications, building code and zoning laws and regulations; computer services, namely, providing an on-line computer database in the fields of law, arbitration and mediation,”

in International Class 45.

2. The opposed application was filed on May 7, 2008, pursuant to Section 1(b) of the Lanham Act for International Class 9, based upon an alleged intent to use the mark in commerce, and upon Section 44(e) of the Lanham Act for International Classes 16, 18, 35, 36, 37, 38, 41, 42, 43 and 45.

3. Opposer owns federal Registration No. 4879393 (the “393 Registration”), issued from an application filed on July 7, 2014, pursuant to Section 44(e) of the Trademark Act, and claiming a Convention priority date of March 27, 2014, based on Canadian Registration No.



TMA874307 for the mark for:

petroleum and fuels, namely, crude oil, natural gas, natural gas liquids, natural gasoline, gasoline and diesel; coal and fuel oil, in International Class 4

electrical power generators for commercial, residential or industrial applications, in International Class 7

business marketing services for others in the field of petroleum, natural gas and related hydrocarbons, namely, providing marketing strategies for others in the field of petroleum, natural gas and related hydrocarbons; business marketing of electricity for others, namely, providing marketing strategies for others in the field of electricity, in International Class 35

brokerage services in the field of petroleum, natural gas and related hydrocarbons; brokerage services in the field of electricity; brokerage services, namely, trading, buying and reselling of electricity, petroleum, natural gas and related hydrocarbons for others, in International Class 36

extraction of petroleum, natural gas and related hydrocarbons, in International Class 37

transportation of petroleum, natural gas and related hydrocarbons via pipeline, rail or truck; storage of petroleum, natural gas and related hydrocarbons; transmission of electricity, in International Class 39

refining and upgrading of crude oil; generation and production of electricity; production of petroleum, natural gas and related hydrocarbons, in International Class 40

exploration for petroleum, natural gas and related hydrocarbons, in International Class 42.

4. Opposer owns federal Registration No. 4824948 (the “948 Registration”), filed on July 7, 2014, pursuant to Section 44(e) of the Trademark Act, and claiming a Convention priority date of March 27, 2014, based on Canadian Registration No. TMA874310 for the mark



for:

petroleum and fuels, namely, crude oil, natural gas, natural gas liquids, natural gasoline, gasoline and diesel; coal and fuel oil, in International Class 4

electrical power generators for commercial, residential or industrial applications, in International Class 7

business marketing services for others in the field of petroleum, natural gas and related hydrocarbons, namely, providing marketing strategies for others in the field of petroleum, natural gas and related hydrocarbons; business marketing of electricity for others, namely, providing marketing strategies for others in the field of electricity, in International Class 35

brokerage services in the field of petroleum, natural gas and related hydrocarbons; brokerage services in the field of electricity; brokerage services, namely, trading, buying and reselling of electricity, petroleum, natural gas and related hydrocarbons for others, in International Class 36

extraction of petroleum, natural gas and related hydrocarbons, in International Class 37

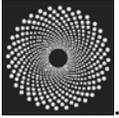
transportation of petroleum, natural gas and related hydrocarbons via pipeline, rail or truck; storage of petroleum, natural gas and related hydrocarbons; transmission of electricity, in International Class 39

refining and upgrading of crude oil; generation and production of electricity; production of petroleum, natural gas and related hydrocarbons, in International Class 40

exploration for petroleum, natural gas and related hydrocarbons, in International Class 42.

5. Opposer has standing to oppose the '573 Application based on its being a party to related Opposition proceedings before the Canadian Intellectual Property Office. Specifically, in the Canadian proceedings, Vermillion has opposed Cenovus Canadian Applications Nos.

1669660 for the mark  ; 1669661 for the mark  ; 1669662 for the mark

 ; and 1669663 for the mark  . Because Vermillion has opposed the Cenovus trademark applications in Canada, claiming likelihood of confusion, Cenovus believes that it may be damaged by the registration of the applied-for mark in the United States, because Vermillion may assert the applied-for mark in the United States in an attempt to challenge use and/or registration of the Cenovus marks.

6. On information and belief, Applicant Vermillion did not have a bona fide intent to use the applied-for mark for any of the above-recited goods and services at the time the opposed application was filed, in violation of Sections 1(b) and 44(e) of the Trademark Act.

7. If Applicant is granted a registration on the application herein opposed, it would thereby obtain a prima facie exclusive right to use  , which would be a source of significant damage to Opposer.

WHEREFORE, Opposer believes it will be damaged by registration of Applicant's mark, and prays that this Opposition be sustained, that Application Serial No. 77/468,573 be rejected, and the mark applied for therein be refused registration.

Respectfully submitted,



By _____

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John L. Welch
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Federal Reserve Plaza
Boston, MA 02210
617-646-8000

Attorneys for Opposer.

Date: October 12, 2016

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing **NOTICE OF OPPOSITION** was served on counsel for Applicant, this 12th day of October, 2016, by sending same via first-class mail, postage-prepaid, addressed to:

WADE FERGUSON
100, 111 - 5 Avenue S.W.
CALGARY, ALBERTA CANADA T2P3Y6
wade.ferguson@vermillioncommunityservices.org



Stephanie G. Stella

Attorney Docket No.: C1403.50001US00



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Word Mark	CENOVUS ENERGY
Goods and Services	<p>IC 004. US 001 006 015. G & S: Petroleum and fuels, namely, crude oil, natural gas, natural gas liquids, natural gasoline, gasoline and diesel; coal and fuel oil</p> <p>IC 007. US 013 019 021 023 031 034 035. G & S: electrical power generators for commercial, residential or industrial applications</p> <p>IC 035. US 100 101 102. G & S: business marketing services for others in the field of petroleum, natural gas and related hydrocarbons, namely, providing marketing strategies for others in the field of petroleum, natural gas and related hydrocarbons; business marketing of electricity for others, namely, providing marketing strategies for others in the field of electricity</p> <p>IC 036. US 100 101 102. G & S: brokerage services in the field of petroleum, natural gas and related hydrocarbons; brokerage services in the field of electricity; brokerage services, namely, trading, buying and reselling of electricity, petroleum, natural gas and related hydrocarbons for others</p> <p>IC 037. US 100 103 106. G & S: extraction of petroleum, natural gas and related hydrocarbons</p> <p>IC 039. US 100 105. G & S: transportation of petroleum, natural gas and related hydrocarbons via pipeline, rail or truck; storage of petroleum, natural gas and related hydrocarbons; transmission of electricity</p> <p>IC 040. US 100 103 106. G & S: refining and upgrading of crude oil; generation and production of electricity; production of petroleum, natural gas and related hydrocarbons</p> <p>IC 042. US 100 101. G & S: exploration for petroleum, natural gas and related hydrocarbons</p>
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	26.01.11 - Circles comprised of animals; Circles comprised of geometric figures; Circles comprised of humans; Circles comprised of letters or numerals; Circles comprised of plants;

Circles comprised of punctuation; Letters, numerals, punctuation, geometric figures, objects, humans, plants or animals comprising a circle
 26.01.21 - Circles that are totally or partially shaded.
 26.01.31 - Circles - five or more; Five or more circles

Serial Number 86329470
Filing Date July 7, 2014
Current Basis 44E
Original Filing Basis 1B;44E
Published for Opposition October 20, 2015
Registration Number **4879393**
Registration Date January 5, 2016
Owner (REGISTRANT) Cenovus Energy Inc. CORPORATION CANADA 4000, 421 - 7th Avenue S.W. Calgary Alberta CANADA T2P4KP
Attorney of Record Douglas R. Wolf
Prior Registrations 4113679;4123821;4169593
Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "ENERGY" APART FROM THE MARK AS SHOWN
Description of Mark The color(s) slate blue, sienna, and grey is/are claimed as a feature of the mark. The mark consists of "CENOVUS" in bold slate blue letters above "ENERGY" in smaller sienna letters, both overlapping on the left side of grey dots arranged in circles which are progressively smaller terminating in an open center.
Type of Mark TRADEMARK. SERVICE MARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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Serial Number 86329409
Filing Date July 7, 2014
Current Basis 44E
Original Filing Basis 1B;44E
Published for Opposition April 14, 2015
Registration Number **4824948**
Registration Date October 6, 2015
Owner (REGISTRANT) Cenovus Energy Inc. CORPORATION CANADA 4000, 421 - 7th Avenue S.W. Calgary Alberta CANADA T2P4KP
Attorney of Record Douglas R. Wolf
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