U.S. Patent & TMOfc/TM Mail Rcpt. Dt. #57
05-08-2002

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

Young, Clark & Associates, Inc.,

Opposer,

v.

Mark L. Reed,

Applicant.

Application Serial No.: **75/795067**

Mark: **PROJECT: SUCCESS PROJECT MANAGEMENT CONSULTATION AND TRAINING**

Opposition No.: _____

02 MAY 18 AM 12:41
TRADEMARK TRIAL AND APPEAL BOARD

05/15/2002 TSMITH 00000412 75795067
01 FC:377 300.00 OP

NOTICE OF OPPOSITION

Opposer, Young, Clark & Associates, Inc. ("Opposer"), for its Notice of Opposition against Application Serial No. 75/795067, for the mark "PROJECT: SUCCESS PROJECT MANAGEMENT CONSULTATION AND TRAINING," filed by Mark L. Reed ("Applicant"), believes that it will be damaged by and thus opposes registration of the mark which is the subject matter of Application Serial No. 75/795067. As provided by 15 U.S.C. § § 1052(d) and 1063, Opposer shows the Board as follows:

1. Opposer is a Georgia corporation having its principal place of business at 2336 Wisteria Drive, Suite 440, Snellville, Georgia 30078.

2. Applicant has a mailing address of 6010 SW Stevens St., Seattle, Washington 98116.

3. Opposer has properly filed this Notice of Opposition prior to May 9, 2002.

4. Opposer is and for many years has continuously and exclusively used the mark "SOLUTIONS FOR PROJECT SUCCESS" (the "Opposer's Mark") in connection with "project consulting services for large industrial/manufacturing companies for planning and delivering projects on time and on budget involving the facilitation and mentoring of project teams responsible for the planning and control of projects, namely, product development/introduction, reengineering/core process redesign, facility startup/equipment installation, major maintenance, information technology development/implementation, and/or marketing program development/implementation, and development and implementation of infrastructure supporting the application of management of such projects within such organization" in International Class 035 and "teaching services, namely, training programs for teaching methodologies and techniques of project management for large industrial/manufacturing companies for planning and delivering projects on time and for teaching the use of software tools in the management of such projects" in International Class 041 (hereinafter "Opposer's Services") in interstate commerce.

5. Applicant is the alleged owner of Application Serial No. 75/795067 for the mark "PROJECT: SUCCESS PROJECT MANAGEMENT CONSULTATION AND TRAINING" (the "Applicant's Mark"). Applicant filed the instant application on a use-based basis on September 30, 1999 for "business consulting in the field of project management tools and theories for the information services industry and the food service industry" in International Class 035 (hereinafter "Applicant's Services").

6. Applicant asserts a first use date of September 1, 1998, and a first use date in commerce of January 14, 1999.

7. Long prior to September 1, 1998, Applicant's asserted date of first use of Applicant's Mark, namely as early as 1993, Opposer adopted and used the term "Project Success" in connection with Opposer's Services. Since then Opposer has continuously used "Project Success" in connection with Opposer's Services in commerce among the several states and Opposer is still using "Project Success" in connection with Opposer's Services.

8. Long prior to September 1, 1998, Applicant's asserted date of first use of Applicant's Mark, Opposer also adopted and used additional "Project Success" marks, thereby creating a family of "Project Success" marks. Opposer's family of marks includes the marks PROJECT SUCCESS PLANNING PROCESS, PROJECT SUCCESS CONTROL PROCESS, THE PROJECT SUCCESS METHOD, and PROJECT SUCCESS TOOL KIT.

9. Opposer's priority in the Opposer's Mark is superior to Applicant's first use dates and filing date for its "PROJECT: SUCCESS PROJECT MANAGEMENT CONSULTATION AND TRAINING" mark.

10. The use and registration of the Applicant's "PROJECT: SUCCESS PROJECT MANAGEMENT CONSULTATION AND TRAINING" mark in connection with the Applicant's Services is likely to cause confusion in the minds of the purchasing public and to cause the purchasing public to assume the services identified by such mark are offered or sold by Opposer or that such services originate with or are in some way connected to the Opposer, which they are not.

11. Therefore use and registration of the Applicant's "PROJECT: SUCCESS PROJECT MANAGEMENT CONSULTATION AND TRAINING" mark will be injurious to the Opposer.

WHEREFORE, Opposer prays that said Application Serial No. 75/795067 be rejected, and that no registration be issued thereon to Applicant, and that this Opposition be sustained in favor of Opposer.

The $300.00 fee per class required under 37 C.F.R. §7.6(a)(17), which for this Opposition totals $300.00, is enclosed herewith. Please charge any additional or deficient fees required to Deposit Account No. 20-1507. A duplicate copy of this Opposition is included herewith pursuant to 37 C.F.R. §2.104(a).

Dated this 8th day of May, 2002.

Respectfully submitted,

TROUTMAN SANDERS LLP

By: _____
Todd Deveau
Georgia Bar No. 29,526

Attorney For Opposer

600 Peachtree St., N.E.
Suite 5200
Atlanta, Georgia 30308-2216
(404) 885-3000

CERTIFICATE OF EXPRESS MAIL
UNDER 37 CFR 1.10

Express Mail Mailing Label Number: EL755876365US
Date of Deposit: May 8, 2002

I hereby certify that this paper is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner for Trademarks, 2900 Crystal Drive, Box TTAB Fee, Arlington, Virginia 22202-3515.

AUMA N. REGGY

Date of Signature: May 8, 2002

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

Young, Clark & Associates, Inc.,	)	
	)	
	)	Application Serial No.: **75/795067**
Opposer,	)	
	)	Mark: **PROJECT: SUCCESS PROJECT MANAGEMENT CONSULTATION AND TRAINING**
v.	)	
	)	
	)	
Mark L. Reed,	)	
	)	
	)	
Applicant.	)	
	)	Opposition No.: _____
	)	

CERTIFICATE OF SERVICE

I have this date served the foregoing NOTICE OF OPPOSITION by forwarding a copy by Express Mail to the following:

Christopher J. Day, Esq.
340 East Palm Lane, Suite 282
Phoenix, Arizona 85004

This 8th day of May, 2002.

Todd Deveau
Georgia Bar No. 29,526

U.S. Patent & TMOfc/TM Mail Rcpt Dt. #57
05-08-2002

TROUTMAN SANDERS LLP
ATTORNEYS AT LAW
A LIMITED LIABILITY PARTNERSHIP
BANK OF AMERICA PLAZA
600 PEACHTREE STREET, N.E. - SUITE 5200
ATLANTA, GEORGIA 30308-2216
www.troutmansanders.com
TELEPHONE: 404-885-3000
FACSIMILE: 404-885-3900

Todd Deveau
todd.deveau@troutmansanders.com

Direct Dial: 404-885-2761
Direct Fax: 404-962-6846

May 8, 2002

Box TTAB/Fee
Commissioner for Trademarks
2900 Crystal Drive
Arlington, Virginia 22202-3513

Re: **Opposer: Young, Clark & Associates, Inc.**
Applicant: Mark L. Reed
Mark: PROJECT: SUCCESS PROJECT MANAGEMENT CONSULTATION AND TRAINING
Application No. 75/795067
Our Reference: 12008.108362

Honorable Commissioner:

Enclosed please find an original and two (2) copies of the following documents for filing:

(1) Signed and dated Notice of Opposition;
(2) Certificate of Service; and
(3) This Firm's check in the amount of $300.00.

If any additional or deficient fees are deemed to be payable, please charge our Deposit Account No. 20-1507.

Respectfully submitted,

TROUTMAN SANDERS LLP

By: _____
Todd Deveau
Attorneys for Applicant

Enclosures
cc: Tom Scruggs

CERTIFICATE OF EXPRESS MAIL UNDER 37 CFR 1.10

Express Mail Mailing Label No.: EL755876365US
Date of Deposit: May 8, 2002

I hereby certify that this paper is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Commissioner for Trademarks, 2900 Crystal Drive, Box TTAB, Fee, Arlington, Virginia 22202-3513.

AUMA N. REGGY
Date of Signature: May 8, 2002

c:\nrportbl\atlanta01\smithbf\922527_2.doc

TM