

ESTTA Tracking number: **ESTTA23740**

Filing date: **01/18/2005**

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

<b>Name</b>	NCE RESOURCES GROUP INC.
<b>Granted to Date of previous extension</b>	01/19/2005
<b>Address</b>	The Exchange Tower 130 King Street West, Suite 2850, P.O. Box 104 Toronto, M5X 1A4 CANADA

<b>Attorney information</b>	Stacey R. Halpern Knobbe, Martens, Olson & Bear, LLP 2040 Main Street, 14th Floor Irvine, CA 92614 UNITED STATES efiling@kmob.com, shalpern@kmob.com Phone:949-760-0404
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#### Applicant Information

<b>Application No</b>	78329685	<b>Publication date</b>	09/21/2004
<b>Opposition Filing Date</b>	01/18/2005	<b>Opposition Period Ends</b>	01/19/2005
<b>Applicant</b>	Neuberger Berman, LLC 605 Third Avenue New York, NY 101583698		

UNITED STATES
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### Goods/Services Affected by Opposition

Class 036.

All goods and services in the class are opposed, namely: Financial services, namely, mutual fund investment management services, mutual fund distribution services, mutual fund administration services, securities, brokerage services, clearance services, namely, clearing and settling financial transactions on behalf of others, maintaining assets and securities for others, and confirming and tracking financial transactions for others, insurance investment services, investment advisory and management services, trust and estate planning services, and financial planning services; sponsoring mutual funds, providing administration and shareholder services to mutual funds, distributing mutual fund shares and managing funds and bonds and other investments for institutions and the general public; a financial planning service with written components that assists financial advisors and clients to find and determine appropriate investor segments

### Applicant Information

<b>Application No</b>	78329679	<b>Publication date</b>	01/18/2005
<b>Opposition Filing Date</b>	01/18/2005	<b>Opposition Period Ends</b>	02/17/2005
<b>Applicant</b>	Neuberger Berman, LLC 605 Third Avenue New York, NY 101583698 UNITED STATES		

### Goods/Services Affected by Opposition

Class 036.

All goods and services in the class are opposed, namely: FINANCIAL SERVICES, NAMELY, MUTUAL FUND INVESTMENT MANAGEMENT SERVICES, MUTUAL FUND DISTRIBUTION SERVICES, MUTUAL FUND ADMINISTRATION SERVICES, SECURITIES BROKERAGE SERVICES, CLEARANCE SERVICES, NAMELY, CLEARING AND SETTLING FINANCIAL TRANSACTIONS ON BEHALF OF OTHERS, MAINTAINING ASSETS AND SECURITIES FOR OTHERS, AND CONFIRMING AND TRACKING FINANCIAL TRANSACTIONS FOR OTHERS, INSURANCE INVESTMENT SERVICES, INVESTMENT ADVISORY AND MANAGEMENT SERVICES, TRUST AND ESTATE PLANNING SERVICES, AND FINANCIAL PLANNING SERVICES; SPONSORING MUTUAL FUNDS, PROVIDING ADMINISTRATION AND SHAREHOLDER SERVICES TO MUTUAL

FUNDS, DISTRIBUTING MUTUAL FUND SHARES AND MANAGING FUNDS AND BONDS AND OTHER INVESTMENTS FOR INSTITUTIONS AND THE GENERAL PUBLIC; A FINANCIAL PLANNING SERVICE WITH WRITTEN COMPONENTS THAT ASSISTS FINANCIAL ADVISORS AND CLIENTS TO FIND AND DETERMINE APPROPRIATE INVESTOR SEGMENTS

<b>Attachments</b>	Opposition.pdf ( 5 pages )
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<b>Signature</b>	/Stacey R. Halpern/
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<b>Name</b>	Stacey R. Halpern
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<b>Date</b>	01/18/2005
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

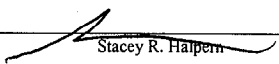
NCE Resources Group, Inc.,

Opposer,

v.

Neuberger Berman, LLC,

Applicant.

)  
 ) I hereby certify that this correspondence and all  
 ) marked attachments are being electronically filed  
 ) with the U.S. Patent and Trademark Office via  
 ) their website located at <http://esta.uspto.gov/> on:  
 )  
 ) 1/18/05  
 ) (Date)  
 )  
 )   
 ) Stacey R. Halpern  
 )

**NOTICE OF OPPOSITIONS**

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

Dear Sir:

NCE Resources Group, Inc., a corporation organized and existing under the laws of the Province of Alberta, located and doing business at the Exchange Tower, 130 King Street West, Suite 2850, P.O. Box 104, Toronto, Ontario, Canada M5X 1A4 (hereinafter referred to as "Opposer") believes that it will be damaged by registration of the marks shown in Application Serial Nos. 78/329,685 and 78/329,679 (hereinafter referred to as "Applicant's '685 Application" and "Applicant's '679 Application"), filed November 18, 2003 by Neuberger Berman, LLC, a Delaware Limited Liability Company, located and doing business at 605 Third Avenue New York, NY 101583 ("hereinafter referred to as "Applicant"), and hereby opposes the same. Descriptions of Applicant's '679 and '685 Applications are as follows:

1. Mark: RELATIONSHIP BUILDER-EARNING CLIENTS' TRUST THROUGH NEEDS ASSESSMENT  
Serial No.: 78/329,685  
Filed: November 18, 2003  
Published: September 21, 2004  
Services: Financial services, namely, mutual fund investment management services, mutual fund distribution services, mutual fund administration services, securities, brokerage services, clearance services, namely, clearing and settling financial transactions on behalf of others, maintaining assets and securities for others, and confirming and tracking financial transactions for others, insurance investment services, investment advisory and management services, trust and estate planning services, and financial planning services; sponsoring mutual funds, providing administration and shareholder services to mutual funds, distributing mutual fund shares and managing funds and bonds and other investments for institutions and the general public; a financial planning service with written components that assists financial advisors and clients to find and determine appropriate investor segments  
Class: 36  
Alleged Date of First Use: Intent to Use
  
2. Mark: RELATIONSHIP BUILDER  
Serial No.: 78/329,679  
Filed: November 18, 2003  
Published: January 18, 2005  
Services: Financial services, namely, mutual fund investment management services, mutual fund distribution services, mutual fund administration services, securities, brokerage services, clearance services, namely, clearing and settling financial transactions on behalf of others, maintaining assets and securities for others, and confirming and tracking financial transactions for others, insurance investment services, investment advisory and management services, trust and estate planning services, and financial planning services; sponsoring mutual funds, providing administration and shareholder services to mutual funds, distributing mutual fund shares and managing funds and bonds and other investments for institutions and the general public; a financial planning service with written components that assists financial advisors and clients to find and determine appropriate investor segments  
Class: 36  
Alleged Date of First Use: Intent to Use

As grounds for opposition, Opposer alleges:

1. Opposer offers a variety of financial and investment services and investment opportunities in connection with the mark BUILDING RELATIONSHIPS.

2. Opposer is also the owner of and relies on United States Trademark Application Serial No. 75/604,636 (“Opposer’s ’636 Application”) for the mark BUILDING RELATIONSHIPS for geophysical exploration for the oil and gas industries in International Class 42; and financial investment in the field of real estate; financial investment in the field of utilities; investment services, namely, investment management relating to mining and metals and oil and gas exploration, development and production in International Class 36. Opposer’s ’636 Application has a filing date of December 15, 1998 and a priority filing date of June 25, 1998. Thus, the filing date and priority filing date of Opposer’s ’636 Application precede the filing date of Applicant’s ’679 and ’685 Applications.

3. Upon registration of Opposer’s ’636 Application, Opposer will be the owner of and rely upon the United States registration maturing from Opposer’s ’636 Application. Opposer’s registration, once issued, will constitute constructive use of the mark, conferring rights of priority, nationwide in effect, as of the filing date pursuant to § 7(c), as well as prima facie evidence of the validity of the registered mark and of the registration thereof, of Opposer’s ownership of the mark shown therein and of Opposer’s exclusive right to use the mark in commerce in connection with the services named therein, without condition or limitation as provided in Sections 7(b), 22 and 33 (a) of the Trademark Act of 1946 as amended.

4. Opposer’s ’636 Application was filed in the PTO prior to the filing of Applicant’s ’679 and ’685 Applications. In view of the similarity between the marks and related nature of the services of the respective parties, it is alleged that Applicant’s marks so resemble Opposer’s mark

as to be likely to cause confusion or to cause mistake or to deceive the trade and purchasing public into believing that Applicant's services originate with Opposer or are otherwise authorized, licensed or sponsored by Opposer.

5. If Applicant is permitted to register the marks shown in Applicant's '679 and '685 Applications, Applicant's corresponding prima facie exclusive right to use the RELATIONSHIP BUILDER-EARNING CLIENTS' TRUST THROUGH NEEDS ASSESSMENT and RELATIONSHIP BUILDER marks in nationwide commerce will conflict with Opposer's lawful and prima facie exclusive right to use the BUILDING RELATIONSHIPS mark nationwide.

6. Opposer has invested substantial amounts of time, effort and money in the BUILDING RELATIONSHIPS mark. By reason of Opposer's widespread and continuous use of the BUILDING RELATIONSHIPS mark, in addition to the protection afforded that Opposer will acquire once its application proceeds to registration, Opposer has extensive, non-registered statutory and common law rights in the BUILDING RELATIONSHIPS mark.

7. In view of Opposer's prior rights in the BUILDING RELATIONSHIPS mark, Applicant is not entitled to registration of the RELATIONSHIP BUILDER-EARNING CLIENTS' TRUST THROUGH NEEDS ASSESSMENT and/or RELATIONSHIP BUILDER marks pursuant to Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

8. By reason of all the foregoing, Opposer will be gravely damaged by the registration of Applicant's '679 Application for the mark RELATIONSHIP BUILDER and Applicant's '685 Application for the mark RELATIONSHIP BUILDER-EARNING CLIENTS' TRUST THROUGH NEEDS ASSESSMENT, because registration of these marks would be in violation of Opposer's trademark rights.

WHEREFORE, Opposer prays that U.S. Trademark Application Serial Nos. 78/329,679 and 78/329,685 be rejected and stricken, that no registrations be issued thereon to Applicant, and this opposition be sustained in favor of Opposer.

Please charge Deposit Account No. 11-1410 for any additional fees which may be required, or credit any overpayment to this account.

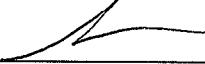
Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: \_\_\_\_\_

1/18/05

By: \_\_\_\_\_

  
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