

ESTTA Tracking number: **ESTTA159160**

Filing date: **08/27/2007**

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	Maestro International Incorporated		
Entity	Corporation	Citizenship	Delaware
Address	2000 Purchase Street Purchase, NY 10577-2509 UNITED STATES		

Attorney information	Robert M. Wasnofski, Jr., Esq. Dorsey & Whitney LLP 250 Park Avenue, 15th Floor New York, NY 10177 UNITED STATES ny.trademark@dorsey.com, wasnofski.robert@dorsey.com, mitrione.gianfranco@dorsey.com Phone:(212) 415-9200
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Applicant Information

Application No	77009954	Publication date	07/31/2007
Opposition Filing Date	08/27/2007	Opposition Period Ends	08/30/2007
Applicant	RWD Technologies, Inc. 5521 Research Park Drive Baltimore, MD 21228 UNITED STATES		

Goods/Services Affected by Opposition

Class 009. First Use: 2006/05/17 First Use In Commerce: 2006/05/17 All goods and services in the class are opposed, namely: Software in the field of content authoring and management, customer relationship management and interactive, automated, dynamic publishing

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	2990799	Application Date	07/15/1999
Registration Date	09/06/2005	Foreign Priority Date	NONE
Word Mark	MAESTRO		
Design Mark			

Description of Mark	NONE
Goods/Services	Class 036. First use: First Use: 1992/08/19 First Use In Commerce: 1992/08/19 Financial services, namely, banking, debit card services, electronic funds and currency transfer services, electronic payments services, namely, processing and transmission of bill payment data, cash management services, namely, cash disbursement services, automatic teller machine services, and debit card transaction authorization and settlement services; consultation services relating to all the aforesaid services

U.S. Registration No.	2990911	Application Date	09/17/2002
Registration Date	09/06/2005	Foreign Priority Date	NONE
Word Mark	MAESTRO		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 1992/08/19 First Use In Commerce: 1992/08/19 magnetic data carriers in the form of magnetically encoded debit and credit cards		

U.S. Registration No.	3149340	Application Date	11/01/2001
Registration Date	09/26/2006	Foreign Priority Date	NONE
Word Mark	MAESTRO E-COMMERCE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 036. First use: First Use: 2001/12/00 First Use In Commerce: 2001/12/00 FINANCIAL SERVICES, NAMELY BANKING SERVICES AND DEBIT CARD SERVICES; CHARGE CARD AND STORED VALUE PREPAID CARD SERVICES; FINANCIAL ADVISORY AND CONSULTATION SERVICES RELATING TO ALL THE AFORESAID SERVICES		

U.S. Application No.	78163259	Application Date	09/12/2002
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	MAESTRO		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: COMPUTER HARDWARE FOR USE IN THE FINANCIAL SERVICES FIELD; COMPUTER SOFTWARE AND COMPUTER PROGRAMS FOR USE IN CONNECTION WITH FINANCIAL TRANSACTIONS IN THE FINANCIAL SERVICES FIELD; COMPUTER DATA ENCRYPTION SOFTWARE FOR USE IN CONNECTION WITH FINANCIAL TRANSACTIONS, ENCRYPTION KEYS, DIGITAL CERTIFICATES FOR USE IN AUTHENTICATION OF DIGITAL SIGNATURES IN AN ELECTRONIC TRANSACTION OR COMMUNICATION,		

	DIGITAL SIGNATURES, SOFTWARE FOR SECURE DATA STORAGE AND RETRIEVAL AND TRANSMISSION OF CONFIDENTIAL CUSTOMER INFORMATION USED BY INDIVIDUALS, BANKING AND FINANCIAL INSTITUTIONS; ENCODED INTEGRATED CIRCUIT CHIP CARDS("SMART CARDS") CONTAINING PROGRAMMING FOR USE IN CONNECTION WITH FINANCIAL TRANSACTIONS; MAGNETICALLY ENCODED CHARGE CARDS, MAGNETICALLY ENCODED BANK CARDS; MAGNETICALLY ENCODED CREDIT CARDS, MAGNETICALLY ENCODED DEBIT CARDS AND MAGNETICALLY ENCODED PAYMENT CARDS; MAGNETIC ENCODED CARD READERS; COMPUTER SOFTWARE DESIGNED TO ENABLE SMART CARDS TO INTERACT WITH TERMINAL SAND READERS; TELECOMMUNICATIONS EQUIPMENT, NAMELY, POINT OF SALE TRANSACTION TERMINALS, AUTOMATIC TELLER MACHINES AND COMPUTER SOFTWARE FOR TRANSMITTING, DISPLAYING AND STORING TRANSACTION, IDENTIFICATION, AND FINANCIAL INFORMATION FOR USE IN THE FINANCIAL SERVICES,BANKING AND TELECOMMUNICATIONS INDUSTRIES; RADIO FREQUENCY IDENTIFICATION DEVICES KNOWN AS TRANPONDERS; AND ELECTRONIC VERIFICATION APPARATUS FOR VERIFYING AUTHENTICATION OF CHARGE CARDS, BANK CARDS, CREDIT CARDS, DEBIT CARDS AND PAYMENT CARDS, ALL OF THE FOREGOING FOR USE IN CONNECTION WITH THE FINANCIAL SERVICES FIELD
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U.S. Application No.	78366191	Application Date	02/11/2004
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	MAESTRO		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 1992/08/19 First Use In Commerce: 1992/08/19 Association services, namely, promoting the interests of banks and credit unions		

U.S. Application No.	78091212	Application Date	11/01/2001
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	MAESTRO E-COMMERCE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: COMPUTER HARDWARE AND ENCRYPTION SOFTWARE FOR ENABLING SECURE TRANSMISSION OF DIGITAL INFORMATION, NAMELY, FINANCIAL AND CREDIT CARD INFORMATION OVER GLOBAL COMPUTER NETWORKS; COMPUTER SOFTWARE FOR SECURE DATA STORAGE AND RETRIEVAL AND TRANSMISSION OF CONFIDENTIAL CUSTOMER FINANCIAL INFORMATION USED BY INDIVIDUALS, BANKING AND FINANCIAL INSTITUTIONS; ENCODED ELECTRONIC CHIP CARDS CONTAINING PROGRAMMING USED IN FINANCIAL TRANSACTIONS AND BANKING, MAGNETICALLY ENCODED CHARGE CARDS, BANK CARDS; CREDIT CARDS, DEBIT CARDS AND PAYMENT CARDS; MAGNETIC ENCODED CARD READERS; COMPUTER SOFTWARE DESIGNED TO ENABLE SMART CARDS TO INTERACT WITH TERMINALS AND READERS;		

	TELECOMMUNICATIONS EQUIPMENT, NAMELY, POINT OF SALE TRANSACTION TERMINALS; AND COMPUTER SOFTWARE FOR TRANSMITTING, DISPLAYING AND STORING TRANSACTION, IDENTIFICATION, AND FINANCIAL INFORMATION FOR USE IN THE FINANCIAL SERVICES, BANKING AND TELECOMMUNICATIONS INDUSTRIES; RADIO FREQUENCY IDENTIFICATION DEVICES, NAMELY, TRANSPONDERS; AND ELECTRONIC VERIFICATION APPARATUS, NAMELY, COMPUTER HARDWARE AND SOFTWARE FOR VERIFYING AUTHENTICATION OF CHARGE CARDS, BANK CARDS, CREDIT CARDS, DEBIT CARDS AND PAYMENT CARDS
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Attachments	76451513#TMSN.gif (1 page)(bytes) 78091215#TMSN.jpeg (1 page)(bytes) 78366191#TMSN.jpeg (1 page)(bytes) 77009954 Notice of Opposition.pdf (4 pages)(156352 bytes)
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Signature	/rmw/
Name	Robert M. Wasnofski, Jr., Esq.
Date	08/27/2007

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

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MAESTRO INTERNATIONAL :
INCORPORATED, :
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Opposer, : Opposition No. ____,__
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v. :
 :
RWD TECHNOLOGIES, INC., :
 :
Applicant. :
_____x

NOTICE OF OPPOSITION

Maestro International Incorporated, a corporation organized and existing under the laws of Delaware, with a place of business at 2000 Purchase Street, Purchase, New York 10577-2509 (hereinafter "Opposer" or "Maestro"), believes that it will be damaged by registration of (i) Application Serial No. 77/009,949 for the mark INFOMAESTRO, and (ii) Application Ser. No. 77/009,954 for the mark INFOMAESTRO & Design, each filed September 28, 2006, by RWD Technologies, Inc. for various goods in International Class 9, and hereby opposes same.

The specific grounds for this opposition are as follows:

1. Maestro International Incorporated (hereinafter "Maestro") is an indirect wholly owned subsidiary of MasterCard Incorporated. Maestro renders financial debit card services, automated teller machine services, and other related financial services under the mark MAESTRO on an international basis through a network of financial institutions.

2. The mark MAESTRO is used by Maestro, its affiliate MasterCard International Incorporated and other licensed financial institutions in connection with a global debit card program. Maestro has used the name and mark MAESTRO in connection with debit card services and related financial products and services since at least as early as August, 1992. Use of the MAESTRO mark has been continuous since the date of first use and said mark has not been abandoned. The MAESTRO mark appears on more than five hundred million debit cards worldwide, which are accepted at more than nine million merchant terminals and nearly a million ATMs. In the year 2006 alone, hundreds of millions of transactions were conducted using debit cards bearing Maestro's mark MAESTRO. Over the years, significant sums have been spent in marketing and promoting the MAESTRO mark, and said mark is the subject of trademark registrations and/or applications in virtually every country in the world. As a result of extensive advertising, promotion, card usage, point of sale signage and other extensive usage, the mark MAESTRO has become associated with Maestro, well recognized, strong and, indeed, famous in the United States, enjoying enormous and valuable goodwill. Indeed, the MAESTRO mark is an asset of inestimable value to Opposer.

3. In addition to its common law rights, Maestro is the owner of the following U.S. registrations and applications for the mark MAESTRO and variants thereof:

<u>Mark</u>	<u>Regn./Ser. No.</u>
MAESTRO	2,990,799
MAESTRO	2,990,911
MAESTRO E-COMMERCE	3,149,340
MAESTRO	78/163,259
MAESTRO	78/366,191
MAESTRO E-COMMERCE	78/091,212

The foregoing registrations are valid, subsisting, uncancelled, unrevoked and in full force and effect. Hereinafter, the marks identified in this paragraph are individually and collectively

referred to as “MAESTRO.”

4. Opposer has used the mark MAESTRO throughout the United States since many years prior to the filing date of the opposed applications, any priority date alleged therein, and, upon information and belief, any use of the alleged marks, INFOMAESTRO and INFOMAESTRO & Design, in interstate commerce by Applicant.

5. As a result of the long, extensive and widespread use, advertising and registration of the mark MAESTRO, consumers have become accustomed to associate marks containing “MAESTRO” with Opposer.

6. By the applications opposed herein, Applicant seeks to register the alleged marks, INFOMAESTRO and INFOMAESTRO & Design, for “software in the field of content authoring and management, customer relationship management and interactive, automated, dynamic publishing,” in International Class 9.

7. Maestro’s distinctive mark MAESTRO became famous long prior to the filing date of the opposed applications, any priority date alleged therein, and, upon information and belief, any use of the alleged mark, INFOMAESTRO and INFOMAESTRO & Design, in interstate commerce by Applicant.

8. Applicant’s alleged marks, INFOMAESTRO and INFOMAESTRO & Design, are colorable imitations of Maestro’s aforementioned previously used and registered mark MAESTRO.

9. Applicant’s alleged marks, INFOMAESTRO and INFOMAESTRO & Design, so resemble Maestro’s previously used and registered mark MAESTRO as to be likely, when used in association with Applicant’s goods, to cause confusion or to cause mistake, or to deceive, with consequent injury to Opposer and the public.

10. Specifically, and without limitation, the marketing and offering of Applicant's aforementioned goods under the alleged marks, INFOMAESTRO and INFOMAESTRO & Design, is likely to cause consumers to believe that Applicant's goods are those of Opposer, or that Applicant's goods are connected with the products and services of Opposer, or that Applicant is somehow related or sponsored by Opposer. Accordingly, Applicant's alleged mark is not entitled to registration pursuant to 15 U.S.C. §1052(d).

11. Further, registration of Applicant's alleged marks, INFOMAESTRO and INFOMAESTRO & Design, is likely to cause dilution by blurring or dilution by tarnishment of Maestro's famous and distinctive mark MAESTRO in violation of 15 U.S.C. §§ 1125(c) and 1052(f).

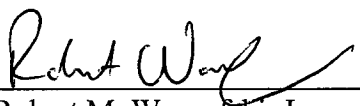
12. Opposer will be damaged by the registrations sought by Applicant within the meaning of 15 U.S.C. §1063 because such registrations would support and assist Applicant in the confusing, misleading and dilutive use of Applicant's alleged marks, INFOMAESTRO and INFOMAESTRO & Design, and would give color of exclusive statutory rights to Applicant in violation and derogation of the prior and superior rights of Opposer.

13. WHEREFORE, Opposer prays that this Notice of Opposition be sustained and that the registrations sought by Applicant be denied.

Respectfully submitted,

DORSEY & WHITNEY LLP

Dated: August 27, 2007

By 
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