

ESTTA Tracking number: **ESTTA386061**

Filing date: **12/29/2010**

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	Credit Union National Association, Inc.		
Entity	Non-Profit Association	Citizenship	Wisconsin
Address	5710 Mineral Point Road Madison, WI 53705 UNITED STATES		

Attorney information	Nicole M. Murray and Hillary J. Wucherer QUARLES & BRADY, LLP 300 N. LaSalle Street, Suite 4000 Chicago, IL 60654 UNITED STATES nicole.murray@quarles.com, hillary.wucherer@quarles.com Phone:312-715-5241
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**Applicant Information**

Application No	77877451	Publication date	11/30/2010
Opposition Filing Date	12/29/2010	Opposition Period Ends	12/30/2010
Applicant	Women's Economic Ventures 333 S. Salinas St. Santa Barbara, CA 93103 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 016. First Use: 2010/01/05 First Use In Commerce: 2010/01/05 All goods and services in the class are opposed, namely: Printed educational materials in the field of business, namely, business affairs and organizations, management, administration, operations, communications, financial matters, sales, marketing, advertising, insurance, and accounting
Class 035. First Use: 2010/03/30 First Use In Commerce: 2010/03/30 All goods and services in the class are opposed, namely: Business consultation in the field of business
Class 041. All goods and services in the class are opposed, namely: Education services, namely, providing classes, seminars, and workshops in the fields of business, business affairs and organizations, management, administration, operations, communications, financial matters, sales, marketing, advertising, insurance, and accounting

**Grounds for Opposition**

Priority and likelihood of confusion	Trademark Act section 2(d)
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**Marks Cited by Opposer as Basis for Opposition**

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	THRIVE BY FIVE		
Goods/Services	printed and electronic materials for use by young credit union members and by parents to teach their children about financial matters; the provision of financial information for use by young credit union members and by parents to teach their children about financial matters; and educational services, namely, providing tutorial sessions and workshops featuring educational information in the field of finance for use by young credit union members and by parents to educate their children about financial matters		

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	THRIVE BY 5		
Goods/Services	printed and electronic materials for use by young credit union members and by parents to teach their children about financial matters; the provision of financial information for use by young credit union members and by parents to teach their children about financial matters; and educational services, namely, providing tutorial sessions and workshops featuring educational information in the field of finance for use by young credit union members and by parents to educate their children about financial matters		

Attachments	Notice of Opposition - THRIVE IN FIVE.pdf ( 5 pages )(519903 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	/Hillary J. Wucherer/
Name	Hillary J. Wucherer
Date	12/29/2010

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

In the matter of Application Serial No. 77/877,451

Trademark: THRIVE IN FIVE

Published: November 30, 2010

CREDIT UNION NATIONAL ASSOCIATION, INC.	)	
	)	
Opposer,	)	
v.	)	Opposition No. _____
	)	
WOMEN'S ECONOMIC VENTURES	)	
	)	
Applicant.	)	

**NOTICE OF OPPOSITION**

Opposer, Credit Union National Association, Inc., (“CUNA”), believes it is or will be damaged by the registration of Application Serial No. 77/877,451 for the trademark THRIVE IN FIVE and hereby opposes registration of the trademark to Women's Economic Ventures, (“Applicant”).

As grounds for its opposition, it is alleged that:

1. CUNA is a non-profit association existing under the laws of Wisconsin and doing business at 5710 Mineral Point Road, Madison, Wisconsin 53705.
2. Applicant is a corporation existing under the laws of California and doing business at 333 South Salinas Street, Santa Barbara, California 93103.
3. Since at least as early as March 29, 2005, CUNA has used the trademarks THRIVE BY FIVE and THRIVE BY 5 (“CUNA’s Trademarks”), in interstate commerce, in connection with printed and electronic materials for use by young credit union members and by parents to teach their children about financial matters; the provision of financial information for use by young credit union members and by parents to teach their children about financial matters; and

educational services, namely, providing tutorial sessions and workshops featuring educational information in the field of finance for use by young credit union members and by parents to educate their children about financial matters (“CUNA’s Goods and Services”).

4. Applicant has applied to register the trademark THRIVE IN FIVE, for use in connection with the following goods and services: “printed educational materials in the field of business, namely, business affairs and organizations, management, administration, operations, communications, financial matters, sales, marketing, advertising, insurance, and accounting” in International Class 16; “business consultation in the field of business” in International Class 35; and “education services, namely, providing classes, seminars, and workshops in the fields of business, business affairs and organizations, management, administration, operations, communications, financial matters, sales, marketing, advertising, insurance, and accounting” in International Class 41 (“Applicant’s Goods and Services”).

5. Applicant applied for registration of the trademark THRIVE IN FIVE on an intent to use basis on November 20, 2009 (the “Application”).

6. On May 19, 2010, Applicant filed an Amendment to Allege Use in which it claimed a first use date of January 5, 2010, for the International Class 16 goods and a first use date of March 30, 2010, for the International Class 35 services.

7. Applicant has not yet submitted evidence of use for the International Class 41 services.

8. CUNA’s rights in the CUNA Trademarks are superior to any right Applicant may have in the trademark THRIVE IN FIVE.

9. Applicant’s registration of the THRIVE IN FIVE trademark is likely to cause confusion, mistake, or to deceive the purchasing public.

10. Applicant's THRIVE IN FIVE trademark is similar to the CUNA Trademarks in appearance, sound and commercial impression, and Applicant and CUNA are both operating in the same channels of trade, thus, consumer confusion is likely.

11. Because Applicant's THRIVE IN FIVE trademark is similar to the CUNA Trademarks, it is likely to suggest an affiliation, connection or association of Applicant and Applicant's goods and services with CUNA and CUNA's goods and services, with consequent injury to CUNA, the trade and to the public.

12. CUNA has expended substantial amounts of money, time, and effort in advertising, promoting, and popularizing the CUNA Trademarks and in preserving the goodwill associated therewith.

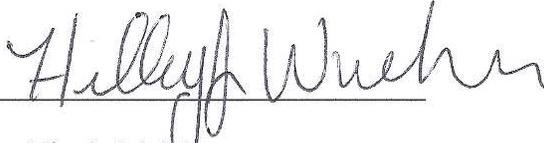
13. Consumers have come to know and recognize CUNA's Trademarks and will be confused or deceived by Applicant's use of a strikingly similar trademark for goods and services that are closely related to the CUNA's Goods and Services with which CUNA's Trademarks are used.

14. The contemporaneous use by Applicant of the THRIVE IN FIVE trademark will dilute and impair CUNA's rights in the CUNA Trademarks. If Applicant is permitted to register the trademark THRIVE IN FIVE, such registration may eventually result in the inability of CUNA's Trademarks to function as an indicator of origin.

WHEREFORE, CUNA submits that, in accordance with 15 U.S.C. § 1052(d), Applicant's THRIVE IN FIVE trademark is not entitled to registration, and CUNA requests that registration of the Application be denied and this Opposition be sustained.

Please direct all correspondence in this matter to the undersigned.

Dated: December 29, 2010

By: 

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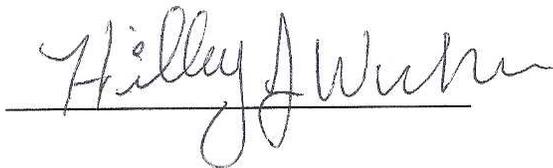
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*Attorneys for Opposer, Credit Union  
National Association, Inc.*

**CERTIFICATE OF SERVICE**

I certify that on December 29, 2010, a true and correct copy of Credit Union National Association, Inc.'s **Notice of Opposition** was served via U.S. Mail upon the following:

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