

ESTTA Tracking number: **ESTTA421996**

Filing date: **07/27/2011**

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	MasterCard International Incorporated
Granted to Date of previous extension	08/03/2011
Address	2000 Purchase Street Purchase, NY 10577 UNITED STATES
Attorney information	Paul J. Reilly Baker Botts L.L.P. 30 Rockefeller Plaza New York, NY 10112 UNITED STATES lindsay.blair.rodman@gmail.com

**Applicant Information**

Application No	85190126	Publication date	04/05/2011
Opposition Filing Date	07/27/2011	Opposition Period Ends	08/03/2011
Applicant	National Automated Clearing House Association 13450 Sunrise Valley Drive, Suite 100 Herndon, VA 20171 UNITED STATES		

**Goods/Services Affected by Opposition**


Class 035. First Use: 2009/06/00 First Use In Commerce: 2009/06/00 All goods and services in the class are opposed, namely: Association services, namely, promoting the interests of the electronic payments industry
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**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. Registration No.	1257853	Application Date	04/02/1980
Registration Date	11/15/1983	Foreign Priority Date	NONE
Word Mark	MASTERCARD		

Design Mark			
Description of Mark	NONE		
Goods/Services	Class 036. First use: First Use: 1980/02/11 First Use In Commerce: 1980/02/11 Financial Services-Namely, Providing Bank Card Services		

U.S. Registration No.	1270220	Application Date	01/26/1981
Registration Date	03/13/1984	Foreign Priority Date	NONE
Word Mark	MASTERCARD TRAVELERS CHEQUE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 036. First use: First Use: 1980/12/09 First Use In Commerce: 1980/12/09 Travelers Check Services-Namely, Administration of Issuance, Redemption and Processing of Travelers Checks		

U.S. Registration No.	1723718	Application Date	10/25/1991
Registration Date	10/13/1992	Foreign Priority Date	NONE
Word Mark	NONE		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 016. First use: First Use: 1990/02/00 First Use In Commerce: 1990/02/00 printed matter and publications; namely, credit, debit and charge cards, travellers cheques, pamphlets, brochures, newsletters and magazines of a financial nature Class 036. First use: First Use: 1990/02/00 First Use In Commerce: 1990/02/00 financial services; namely, providing credit, debit and charge card, travellers cheque, cash disbursement, and transaction authorization and settlement services

U.S. Registration No.	1738276	Application Date	02/19/1991
Registration Date	12/08/1992	Foreign Priority Date	NONE

Word Mark	MASTERCARD
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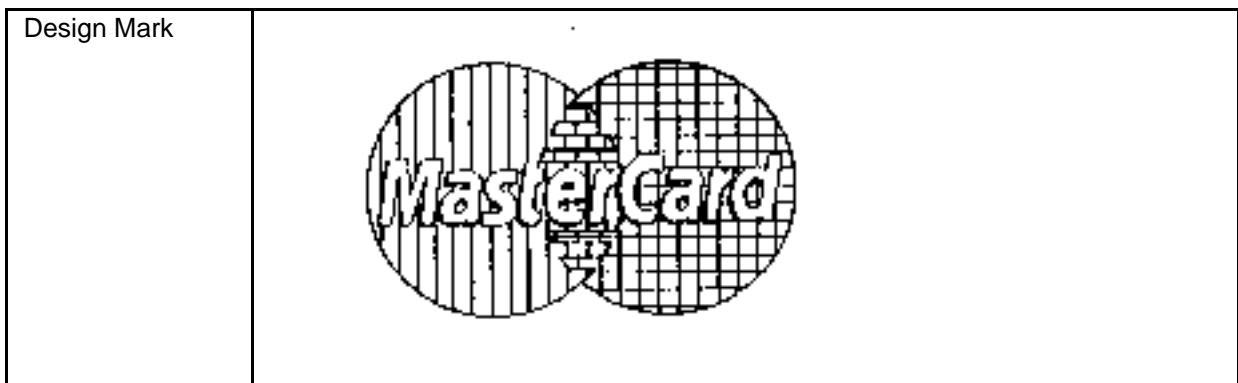
Design Mark	
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Description of Mark	The mark consists of the words "MASTERCARD" with a globe design.
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Goods/Services	Class 016. First use: First Use: 1990/02/00 First Use In Commerce: 1990/02/00 printed matter and publications; namely, credit cards and debit cards, pamphlets, brochures, newsletters and magazines of a financial nature Class 036. First use: First Use: 1990/02/00 First Use In Commerce: 1990/02/00 financial services; namely, providing credit card, debit card, cash disbursement, and transaction authorization and settlement services
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U.S. Registration No.	1890786	Application Date	01/21/1993
Registration Date	04/25/1995	Foreign Priority Date	NONE

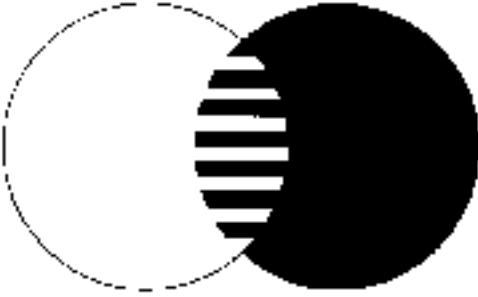
Word Mark	MASTERCARD
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Description of Mark	NONE
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Goods/Services	<p>Class 006. First use: First Use: 1991/04/00 First Use In Commerce: 1991/04/00 metal key chains</p> <p>Class 009. First use: First Use: 1991/04/00 First Use In Commerce: 1991/04/00 calculators</p> <p>Class 014. First use: First Use: 1991/04/00 First Use In Commerce: 1991/04/00 watches, clocks, metal tie pins</p> <p>Class 016. First use: First Use: 1991/04/00 First Use In Commerce: 1991/04/00 pens, pencils, pen stands, paper weights, letter openers, notebooks, metal book marks</p> <p>Class 018. First use: First Use: 1991/04/00 First Use In Commerce: 1991/04/00 umbrellas, luggage, garment bags for travel, toiletry cases sold empty, duffel bags, attache cases, carry-on bags, tote bags, wallets, business card cases, credit card cases</p> <p>Class 020. First use: First Use: 1991/04/00 First Use In Commerce: 1991/04/00 non-metal key rings, luggage tags</p> <p>Class 021. First use: First Use: 1991/04/00 First Use In Commerce: 1991/04/00 mugs</p> <p>Class 024. First use: First Use: 1991/04/00 First Use In Commerce: 1991/04/00 towels</p> <p>Class 025. First use: First Use: 1991/04/00 First Use In Commerce: 1991/04/00 shirts, jackets, sweaters, sweat shirts, visors, caps</p> <p>Class 028. First use: First Use: 1991/04/00 First Use In Commerce: 1991/04/00 Christmas tree decorations, tennis balls, golf balls, soccer balls, golf tees</p>
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U.S. Registration No.	2038134	Application Date	03/09/1995
Registration Date	02/18/1997	Foreign Priority Date	NONE
Word Mark	NONE		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 009. First use: First Use: 1992/08/19 First Use In Commerce: 1992/08/19 electronic data carriers in the form of magnetically encoded cards Class 016. First use: First Use: 1992/08/19 First Use In Commerce: 1992/08/19 printed matter and publications, namely, pamphlets, brochures, newsletters and magazines of a financial nature Class 036. First use: First Use: 1992/08/19 First Use In Commerce: 1992/08/19 financial services, namely, providing debit card services

U.S. Registration No.	2077221	Application Date	04/23/1996
Registration Date	07/08/1997	Foreign Priority Date	NONE

Word Mark	MASTERCARD		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 036. First use: First Use: 1993/04/00 First Use In Commerce: 1993/04/00 travelers cheque services, namely the administration of [issuance,] redemption and processing of travelers cheques		

U.S. Registration No.	2168736	Application Date	01/29/1993
Registration Date	06/30/1998	Foreign Priority Date	NONE
Word Mark	MASTERCARD		


Design Mark	
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Description of Mark	NONE
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Goods/Services	<p>Class 009. First use: First Use: 1990/02/00 First Use In Commerce: 1990/02/00 electronic data carriers in the form of magnetically encoded cards</p> <p>Class 016. First use: First Use: 1990/02/00 First Use In Commerce: 1990/02/00 printed matter and publications, namely, credit, debit and charge cards, travelers cheques, and pamphlets, brochures, newsletters and magazines of a financial nature</p> <p>Class 036. First use: First Use: 1990/02/00 First Use In Commerce: 1990/02/00 financial services, namely, providing credit, debit and charge card services, administration of the issuance, redemption and processing of travelers cheques, travel financial assistance, cash disbursement and transaction authorization and settlement services</p> <p>Class 039. First use: First Use: 1990/02/00 First Use In Commerce: 1990/02/00 travel assistance services, namely, arranging travel tours, making replacement and emergency reservations and booking for transportation</p>
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U.S. Registration No.	2212340	Application Date	04/21/1997
Registration Date	12/22/1998	Foreign Priority Date	NONE

Word Mark	MASTERCARD CORPORATE
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Design Mark	
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Description of Mark	NONE
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Goods/Services	Class 036. First use: First Use: 1997/01/31 First Use In Commerce: 1997/01/31 financial services, namely, providing credit card, debit card, [ charge card and stored value prepaid card, ] cash disbursement, and transaction authorization and settlement services
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U.S. Registration	3356377	Application Date	08/10/2006
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No.			
Registration Date	12/18/2007	Foreign Priority Date	NONE
Word Mark	NONE		
Design Mark			
Description of Mark	The mark consists of the design of intersecting circles that fades from red to pink to orange to yellow.		
Goods/Services	Class 035. First use: First Use: 2006/06/27 First Use In Commerce: 2006/06/27 Association services, namely, promoting the interests of banks, credit unions, and other regulated financial institutions		

U.S. Registration No.	3356407	Application Date	08/17/2006
Registration Date	12/18/2007	Foreign Priority Date	NONE
Word Mark	MASTERCARD WORLDWIDE		
Design Mark			
Description of Mark	The mark consists of the words MASTERCARD WORLDWIDE in the color gray and the design of intersecting circles that fade from red to pink to orange to yellow. The mark is depicted on a gray background. No claim is made to the gray background, the background merely indicates depth.		
Goods/Services	Class 036. First use: First Use: 2006/06/27 First Use In Commerce: 2006/06/27 FINANCIAL SERVICES, NAMELY, BANKING AND CREDIT SERVICES; PROVIDING CREDIT CARD, DEBIT CARD, CHARGE CARD AND STORED VALUE PREPAID CARD SERVICES; BANKING SERVICES, BILL PAYMENT, CREDIT CARD SERVICES, DEBIT CARD SERVICES, CHARGE CARD SERVICES, CASH DISBURSEMENT, PROVIDING ONLINE STORED VALUE ACCOUNTS IN AN ELECTRONIC ENVIRONMENT; BILL PAYMENT SERVICES; AUTOMATED TELLER MACHINE SERVICES; PROCESSING OF ELECTRONIC BILL PAYMENT FINANCIAL TRANSACTIONS ON-LINE VIA A COMPUTER DATABASE OR VIA TELECOMMUNICATIONS AND AT POINT OF SALE; ELECTRONIC BILL PAYMENT PROCESSING SERVICES FOR FINANCIAL TRANSACTIONS BY CARD HOLDERS VIA AUTOMATIC TELLER		

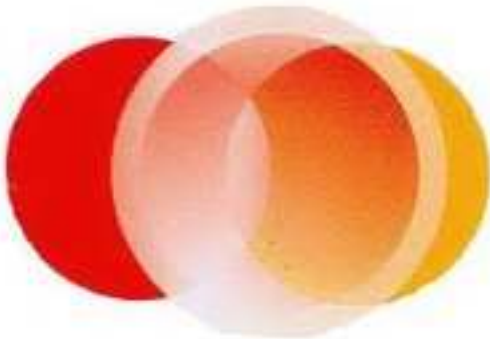
MACHINES; THE PROVISION OF BALANCE DETAILS, DEPOSITS AND WITHDRAWALS OF MONEY TO CARD HOLDERS VIA AUTOMATIC TELLER MACHINES; FINANCIAL SETTLEMENT AND AUTHORIZATION SERVICES RELATING TO PAYMENT CARD TRANSACTIONS; ISSUING AND REDEMPTION OF TRAVELLERS CHECKS; CHECK VERIFICATION AND CHECK CASHING SERVICES; VERIFICATION OF FINANCIAL INFORMATION; PAYER AUTHENTICATION SERVICES, NAMELY, PROVISION OF SERVICES RELATING TO THE AUTHENTICATION OF CARDHOLDERS, MERCHANTS AND BANKS FOR PAYMENT CARD TRANSACTIONS; ELECTRONIC FUNDS TRANSFER AND CURRENCY EXCHANGE SERVICES; DISSEMINATION OF FINANCIAL INFORMATION VIA THE INTERNET AND OTHER COMPUTER NETWORKS; REMOTE BILL PAYMENT SERVICES; STORED VALUE ELECTRONIC PURSE SERVICES, NAMELY, PROVIDING ONLINE STORED VALUE ACCOUNTS IN AN ELECTRONIC ENVIRONMENT; PROVIDING ELECTRONIC FUNDS AND CURRENCY TRANSFER SERVICES, ELECTRONIC BILL PAYMENTS SERVICES, PREPAID TELEPHONE CALLING CARD SERVICES, CASH DISBURSEMENT SERVICES, AND TRANSACTION AUTHORIZATION AND SETTLEMENT SERVICES; PROVISION OF DEBIT CARD, CREDIT CARD AND PREPAID CARD SERVICES BY MEANS OF RADIO FREQUENCY IDENTIFICATION DEVICES; PROVISION OF DEBIT CARD AND CREDIT CARD SERVICES BY MEANS OF COMMUNICATION AND TELECOMMUNICATION DEVICES; THE PROVISION OF FINANCIAL BILL PAYMENT SERVICES FOR THE SUPPORT OF RETAIL SERVICES PROVIDED THROUGH MOBILE TELECOMMUNICATIONS MEANS, INCLUDING PAYMENT SERVICES THROUGH WIRELESS DEVICES; THE PROVISION OF FINANCIAL BILL PAYMENT SERVICES FOR THE SUPPORT OF RETAIL SERVICES PROVIDED ON-LINE, THROUGH NETWORKS OR OTHER ELECTRONIC MEANS USING ELECTRONICALLY DIGITIZED INFORMATION; PROVIDING ONLINE STORED VALUE ACCOUNTS IN AN ELECTRONIC ENVIRONMENT FOR USE IN THE SECURE EXCHANGE OF VALUE, INCLUDING ELECTRONIC CASH, OVER COMPUTER NETWORKS, ON-LINE BANKING; FINANCIAL INFORMATION PROCESSING SERVICES PROVIDED OVER THE TELEPHONE AND BY MEANS OF A GLOBAL COMPUTER NETWORK OR THE INTERNET; PROVISION OF FINANCIAL INFORMATION PROCESSING SERVICES BY MEANS OF A GLOBAL COMPUTER NETWORK OR THE INTERNET


U.S. Registration No.	3356408	Application Date	08/17/2006
Registration Date	12/18/2007	Foreign Priority Date	NONE
Word Mark	MASTERCARD WORLDWIDE		
Design Mark			
Description of Mark	NONE		



Goods/Services	<p>Class 036. First use: First Use: 2006/06/27 First Use In Commerce: 2006/06/27</p> <p>FINANCIAL SERVICES, NAMELY, BANKING AND CREDIT SERVICES; PROVIDING CREDIT CARD, DEBIT CARD, CHARGE CARD AND STORED VALUE PREPAID CARD SERVICES; BANKING SERVICES, BILL PAYMENT, CREDIT CARD SERVICES, DEBIT CARD SERVICES, CHARGE CARD SERVICES, CASH DISBURSEMENT, PROVIDING ONLINE STORED VALUE ACCOUNTS IN AN ELECTRONIC ENVIRONMENT; BILL PAYMENT SERVICES; AUTOMATED TELLER MACHINE SERVICES; PROCESSING OF ELECTRONIC BILL PAYMENT FINANCIAL TRANSACTIONS ON-LINE VIA A COMPUTER DATABASE OR VIA TELECOMMUNICATIONS AND AT POINT OF SALE; ELECTRONIC BILL PAYMENT PROCESSING SERVICES FOR FINANCIAL TRANSACTIONS BY CARD HOLDERS VIA AUTOMATIC TELLER MACHINES; THE PROVISION OF BALANCE DETAILS, DEPOSITS AND WITHDRAWALS OF MONEY TO CARD HOLDERS VIA AUTOMATIC TELLER MACHINES; FINANCIAL SETTLEMENT AND AUTHORIZATION SERVICES RELATING TO PAYMENT CARD TRANSACTIONS; ISSUING AND REDEMPTION OF TRAVELLERS CHECKS; CHECK VERIFICATION AND CHECK CASHING SERVICES; VERIFICATION OF FINANCIAL INFORMATION; PAYER AUTHENTICATION SERVICES, NAMELY, PROVISION OF SERVICES RELATING TO THE AUTHENTICATION OF CARDHOLDERS, MERCHANTS AND BANKS FOR PAYMENT CARD TRANSACTIONS; ELECTRONIC FUNDS TRANSFER AND CURRENCY EXCHANGE SERVICES; DISSEMINATION OF FINANCIAL INFORMATION VIA THE INTERNET AND OTHER COMPUTER NETWORKS; REMOTE BILL PAYMENT SERVICES; STORED VALUE ELECTRONIC PURSE SERVICES, NAMELY, PROVIDING ONLINE STORED VALUE ACCOUNTS IN AN ELECTRONIC ENVIRONMENT; PROVIDING ELECTRONIC FUNDS AND CURRENCY TRANSFER SERVICES, ELECTRONIC BILL PAYMENTS SERVICES, PREPAID TELEPHONE CALLING CARD SERVICES, CASH DISBURSEMENT SERVICES, AND TRANSACTION AUTHORIZATION AND SETTLEMENT SERVICES; PROVISION OF DEBIT CARD, CREDIT CARD AND PREPAID CARD SERVICES BY MEANS OF RADIO FREQUENCY IDENTIFICATION DEVICES; PROVISION OF DEBIT CARD AND CREDIT CARD SERVICES BY MEANS OF COMMUNICATION AND TELECOMMUNICATION DEVICES; THE PROVISION OF FINANCIAL BILL PAYMENT SERVICES FOR THE SUPPORT OF RETAIL SERVICES PROVIDED THROUGH MOBILE TELECOMMUNICATIONS MEANS, INCLUDING PAYMENT SERVICES THROUGH WIRELESS DEVICES; THE PROVISION OF FINANCIAL BILL PAYMENT SERVICES FOR THE SUPPORT OF RETAIL SERVICES PROVIDED ON-LINE, THROUGH NETWORKS OR OTHER ELECTRONIC MEANS USING ELECTRONICALLY DIGITIZED INFORMATION; PROVIDING ONLINE STORED VALUE ACCOUNTS IN AN ELECTRONIC ENVIRONMENT FOR USE IN THE SECURE EXCHANGE OF VALUE, INCLUDING ELECTRONIC CASH, OVER COMPUTER NETWORKS, ON-LINE BANKING; FINANCIAL INFORMATION PROCESSING SERVICES PROVIDED OVER THE TELEPHONE AND BY MEANS OF A GLOBAL COMPUTER NETWORK OR THE INTERNET; PROVISION OF FINANCIAL INFORMATION PROCESSING SERVICES BY MEANS OF A GLOBAL COMPUTER NETWORK OR THE INTERNET</p>
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U.S. Registration No.	3356409	Application Date	08/17/2006
Registration Date	12/18/2007	Foreign Priority Date	NONE
Word Mark	NONE		

Design Mark	
Description of Mark	The mark consists of the design of intersecting circles that fades from red to pink to orange to yellow.
Goods/Services	<p>Class 036. First use: First Use: 2006/06/27 First Use In Commerce: 2006/06/27</p> <p>FINANCIAL SERVICES, NAMELY, BANKING AND CREDIT SERVICES; PROVIDING CREDIT CARD, DEBIT CARD, CHARGE CARD AND STORED VALUE PREPAID CARD SERVICES; BANKING SERVICES, BILL PAYMENT, CREDIT CARD SERVICES, DEBIT CARD SERVICES, CHARGE CARD SERVICES, CASH DISBURSEMENT, PROVIDING ONLINE STORED VALUE ACCOUNTS IN AN ELECTRONIC ENVIRONMENT; BILL PAYMENT SERVICES; AUTOMATED TELLER MACHINE SERVICES; PROCESSING OF ELECTRONIC BILL PAYMENT FINANCIAL TRANSACTIONS ON-LINE VIA A COMPUTER DATABASE OR VIA TELECOMMUNICATIONS AND AT POINT OF SALE; ELECTRONIC BILL PAYMENT PROCESSING SERVICES FOR FINANCIAL TRANSACTIONS BY CARD HOLDERS VIA AUTOMATIC TELLER MACHINES; THE PROVISION OF BALANCE DETAILS, DEPOSITS AND WITHDRAWALS OF MONEY TO CARD HOLDERS VIA AUTOMATIC TELLER MACHINES; FINANCIAL SETTLEMENT AND AUTHORIZATION SERVICES RELATING TO PAYMENT CARD TRANSACTIONS; ISSUING AND REDEMPTION OF TRAVELLERS CHECKS; CHECK VERIFICATION AND CHECK CASHING SERVICES; VERIFICATION OF FINANCIAL INFORMATION; PAYER AUTHENTICATION SERVICES, NAMELY, PROVISION OF SERVICES RELATING TO THE AUTHENTICATION OF CARDHOLDERS, MERCHANTS AND BANKS FOR PAYMENT CARD TRANSACTIONS; ELECTRONIC FUNDS TRANSFER AND CURRENCY EXCHANGE SERVICES; DISSEMINATION OF FINANCIAL INFORMATION VIA THE INTERNET AND OTHER COMPUTER NETWORKS; REMOTE BILL PAYMENT SERVICES; STORED VALUE ELECTRONIC PURSE SERVICES, NAMELY, PROVIDING ONLINE STORED VALUE ACCOUNTS IN AN ELECTRONIC ENVIRONMENT; PROVIDING ELECTRONIC FUNDS AND CURRENCY TRANSFER SERVICES, ELECTRONIC BILL PAYMENTS SERVICES, PREPAID TELEPHONE CALLING CARD SERVICES, CASH DISBURSEMENT SERVICES, AND TRANSACTION AUTHORIZATION AND SETTLEMENT SERVICES; PROVISION OF DEBIT CARD, CREDIT CARD AND PREPAID CARD SERVICES BY MEANS OF RADIO FREQUENCY IDENTIFICATION DEVICES; PROVISION OF DEBIT CARD AND CREDIT CARD SERVICES BY MEANS OF COMMUNICATION AND TELECOMMUNICATION DEVICES; THE PROVISION OF FINANCIAL BILL PAYMENT SERVICES FOR THE SUPPORT OF RETAIL SERVICES PROVIDED THROUGH MOBILE TELECOMMUNICATIONS MEANS, INCLUDING PAYMENT SERVICES THROUGH WIRELESS DEVICES; THE PROVISION OF FINANCIAL BILL PAYMENT SERVICES FOR THE SUPPORT OF RETAIL SERVICES PROVIDED ON-LINE, THROUGH NETWORKS OR OTHER ELECTRONIC MEANS USING ELECTRONICALLY DIGITIZED INFORMATION; PROVIDING ONLINE STORED VALUE ACCOUNTS IN AN ELECTRONIC ENVIRONMENT FOR USE IN THE SECURE EXCHANGE OF VALUE, INCLUDING ELECTRONIC CASH, OVER COMPUTER NETWORKS,</p>

	ON-LINE BANKING; FINANCIAL INFORMATION PROCESSING SERVICES PROVIDED OVER THE TELEPHONE AND BY MEANS OF A GLOBAL COMPUTER NETWORK OR THE INTERNET; PROVISION OF FINANCIAL INFORMATION PROCESSING SERVICES BY MEANS OF A GLOBAL COMPUTER NETWORK OR THE INTERNET		
U.S. Registration No.	3356410	Application Date	08/17/2006
Registration Date	12/18/2007	Foreign Priority Date	NONE
Word Mark	NONE		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 036. First use: First Use: 2006/06/27 First Use In Commerce: 2006/06/27</p> <p>FINANCIAL SERVICES, NAMELY, BANKING AND CREDIT SERVICES; PROVIDING CREDIT CARD, DEBIT CARD, CHARGE CARD AND STORED VALUE PREPAID CARD SERVICES; BANKING SERVICES, BILL PAYMENT, CREDIT CARD SERVICES, DEBIT CARD SERVICES, CHARGE CARD SERVICES, CASH DISBURSEMENT, PROVIDING ONLINE STORED VALUE ACCOUNTS IN AN ELECTRONIC ENVIRONMENT; BILL PAYMENT SERVICES; AUTOMATED TELLER MACHINE SERVICES; PROCESSING OF ELECTRONIC BILL PAYMENT FINANCIAL TRANSACTIONS ON-LINE VIA A COMPUTER DATABASE OR VIA TELECOMMUNICATIONS AND AT POINT OF SALE; ELECTRONIC BILL PAYMENT PROCESSING SERVICES FOR FINANCIAL TRANSACTIONS BY CARD HOLDERS VIA AUTOMATIC TELLER MACHINES; THE PROVISION OF BALANCE DETAILS, DEPOSITS AND WITHDRAWALS OF MONEY TO CARD HOLDERS VIA AUTOMATIC TELLER MACHINES; FINANCIAL SETTLEMENT AND AUTHORIZATION SERVICES RELATING TO PAYMENT CARD TRANSACTIONS; ISSUING AND REDEMPTION OF TRAVELLERS CHECKS; CHECK VERIFICATION AND CHECK CASHING SERVICES; VERIFICATION OF FINANCIAL INFORMATION; PAYER AUTHENTICATION SERVICES, NAMELY, PROVISION OF SERVICES RELATING TO THE AUTHENTICATION OF CARDHOLDERS, MERCHANTS AND BANKS FOR PAYMENT CARD TRANSACTIONS; ELECTRONIC FUNDS TRANSFER AND CURRENCY EXCHANGE SERVICES; DISSEMINATION OF FINANCIAL INFORMATION VIA THE INTERNET AND OTHER COMPUTER NETWORKS; REMOTE BILL PAYMENT SERVICES; STORED VALUE ELECTRONIC PURSE SERVICES, NAMELY, PROVIDING ONLINE STORED VALUE ACCOUNTS IN AN ELECTRONIC ENVIRONMENT; PROVIDING ELECTRONIC FUNDS AND CURRENCY TRANSFER SERVICES, ELECTRONIC BILL PAYMENTS SERVICES, PREPAID TELEPHONE CALLING CARD SERVICES, CASH DISBURSEMENT SERVICES, AND TRANSACTION AUTHORIZATION AND SETTLEMENT SERVICES; PROVISION OF DEBIT CARD, CREDIT CARD AND PREPAID CARD SERVICES BY MEANS OF RADIO FREQUENCY</p>		

	IDENTIFICATION DEVICES; PROVISION OF DEBIT CARD AND CREDIT CARD SERVICES BY MEANS OF COMMUNICATION AND TELECOMMUNICATION DEVICES; THE PROVISION OF FINANCIAL BILL PAYMENT SERVICES FOR THE SUPPORT OF RETAIL SERVICES PROVIDED THROUGH MOBILE TELECOMMUNICATIONS MEANS, INCLUDING PAYMENT SERVICES THROUGH WIRELESS DEVICES; THE PROVISION OF FINANCIAL BILL PAYMENT SERVICES FOR THE SUPPORT OF RETAIL SERVICES PROVIDED ON-LINE, THROUGH NETWORKS OR OTHER ELECTRONIC MEANS USING ELECTRONICALLY DIGITIZED INFORMATION; PROVIDING ONLINE STORED VALUE ACCOUNTS IN AN ELECTRONIC ENVIRONMENT FOR USE IN THE SECURE EXCHANGE OF VALUE, INCLUDING ELECTRONIC CASH, OVER COMPUTER NETWORKS, ON-LINE BANKING; FINANCIAL INFORMATION PROCESSING SERVICES PROVIDED OVER THE TELEPHONE AND BY MEANS OF A GLOBAL COMPUTER NETWORK OR THE INTERNET; PROVISION OF FINANCIAL INFORMATION PROCESSING SERVICES BY MEANS OF A GLOBAL COMPUTER NETWORK OR THE INTERNET
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U.S. Registration No.	3365851	Application Date	08/10/2006
Registration Date	01/08/2008	Foreign Priority Date	NONE
Word Mark	NONE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 2006/06/27 First Use In Commerce: 2006/06/27 Association services, namely, promoting the interests of banks, credit unions, and other regulated financial institutions		

Attachments	73256484#TMSN.gif ( 1 page )( bytes ) 73294257#TMSN.gif ( 1 page )( bytes ) 74215678#TMSN.gif ( 1 page )( bytes ) 74140100#TMSN.gif ( 1 page )( bytes ) 74350765#TMSN.gif ( 1 page )( bytes ) 74644110#TMSN.gif ( 1 page )( bytes ) 75095085#TMSN.gif ( 1 page )( bytes ) 74353604#TMSN.gif ( 1 page )( bytes ) 75278277#TMSN.gif ( 1 page )( bytes ) 78949716#TMSN.jpeg ( 1 page )( bytes ) 78954545#TMSN.jpeg ( 1 page )( bytes ) 78954605#TMSN.jpeg ( 1 page )( bytes ) 78954618#TMSN.jpeg ( 1 page )( bytes ) 78954627#TMSN.jpeg ( 1 page )( 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 Overnight Courier on this date.

Signature	/LBR/
Name	Lindsay B. Rodman
Date	07/27/2011

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

**IN THE MATTER OF APPLICATION**

Applicant: National Automated Clearing House Association  
 Mark: GLOBAL PAYMENTS FORUM  
 A NACHA INTERNATIONAL PAYMENTS PROGRAM and Design  
 Serial No.: 85/190,126  
 Filed: December 3, 2010  
 Published in  
 the **Official Gazette**: April 5, 2011

<p>MASTERCARD INTERNATIONAL INCORPORATED,</p> <p style="padding-left: 100px;">Opposer,</p> <p style="padding-left: 100px;">v.</p> <p>NATIONAL AUTOMATED CLEARING HOUSE ASSOCIATION,</p> <p style="padding-left: 100px;">Applicant.</p>	<p>X</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>X</p>	<p>Opposition No. _____</p>
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**NOTICE OF OPPOSITION**

Opposer, MasterCard International Incorporated, a corporation organized and existing under the laws of the State of Delaware, with a place of business at 2000 Purchase Street, Purchase, New York 10577-2509 (hereinafter referred to as “Opposer” or “MasterCard”) believes that it will be damaged by the registration of United States Trademark Application Serial No. 85/190,126 (hereinafter the “application-in-opposition” unless otherwise specified), filed on December 3, 2010 by National Automated Clearing House Association (hereinafter “Applicant” unless otherwise specified) for an alleged mark consisting of or comprising, in part, an interlocking circular design, in connection with services in International Class 35 and having previously been granted an extension of time to oppose, hereby opposes the same.

The specific grounds for this opposition are as follows:

1. MasterCard is a leading global payments solutions company that provides a variety of services in support of the credit, debit, prepaid and related payment programs of about 22,000 financial institutions and other entities that are its customers. MasterCard's purpose is, *inter alia*, to facilitate various financial services transactions, including the interchange of funds through payment cards, including credit cards and debit cards, as well as to provide related banking, credit and payment card services, electronic funds and currency transfer services, electronic payment services, and network services to facilitate financial payments, and other related products and services. MasterCard owns and administers the MASTERCARD payment card program.

2. More specifically, since 1966, MasterCard has managed a family of well-known, widely accepted payment card brands, including MASTER CHARGE, MASTERCARD, MASTERCARD ELECTRONIC, MAESTRO and CIRRUS, as well as the famous "Interlocking Circles" device, to identify its various services and products. MasterCard initially owned and administered the celebrated MASTER CHARGE payment program and it now owns and administers the MASTERCARD payment card program. MasterCard's business has a global reach and has continued to experience strong growth.

3. There are over 975 million MASTERCARD payment cards in circulation worldwide bearing the Interlocking Circles device, which have been issued by about 22,000 licensed member financial institutions. Almost one-third of these cards are currently in circulation in the United States. Opposer's MASTERCARD payment cards are accepted at approximately 31.7 million locations, including retail merchants, automated teller machines and cash advance locations, and over \$2.7 trillion dollars worth of purchases and/or cash advances

were transacted in 2010 alone using a payment card bearing the MASTERCARD and “Interlocking Circles” device. Each retail establishment, ATM and cash advance location that accepts MasterCard-branded payment cards is required to post decals bearing the MASTERCARD and “Interlocking Circles” device at the point of sale. During each of the last three years, MasterCard has expended in excess of \$700,000,000 per year in advertising and promoting its payment card services and other related products and services in connection with its MASTERCARD and “Interlocking Circles” device.

4. Each and every MASTER CHARGE and MASTERCARD payment card that has ever been issued and virtually all advertising therefore has borne MasterCard’s famous and highly distinctive “Interlocking Circles” device.

5. For many years prior to the filing date of the application-in-opposition or any relevant alleged claim of use by Applicant, Opposer has used its “Interlocking Circles” device and/or variants in connection with financial services and products, as well as related goods/services, including, but not limited to, association services, namely, promoting the interests of banks, credit unions, and other regulated financial institutions; banking and credit services; payment, credit, debit, prepaid and stored value card services; electronic payment services; transaction authorization and settlement services; verification of financial information; and dissemination of financial information via the internet and other computer networks.

6. In addition to its prior common law rights in the “Interlocking Circles” device and/or variants, MasterCard is also the owner of numerous United States trademark and service mark applications and registrations, each of which incorporates the “Interlocking Circles” device and/or variants, including, but not limited to, the following registrations:



<b>MARK</b>	<b>REG. NO.</b>	<b>REG. DATE</b>	<b>FIRST USE DATE</b>	<b>IDENTIFICATION OF GOODS/SERVICES</b>
MASTERCARD & Interlocking Circles Design	1,257,853	11/15/1983	2/11/1980	36: Financial Services-Namely, Providing Bank Card Services
Interlocking Circles and Globes Design	1,270,220	3/13/1984	12/9/1980	36: Travelers Check Services-Namely, Administration of Issuance, Redemption and Processing of Travelers Checks
Interlocking Circles Design	1,723,718	10/13/1992	2/1990	16: printed matter and publications; namely, credit, debit and charge cards, travellers cheques, pamphlets, brochures, newsletters and magazines of a financial nature 36: financial services; namely, providing credit, debit and charge card, travellers cheque, cash disbursement, and transaction authorization and settlement services
Globe Hologram Design	1,738,276	12/8/1992	2/1990	16: printed matter and publications; namely, credit, debit and charge cards, travellers cheques, pamphlets, brochures, newsletters and magazines of a financial nature 36: financial services; namely, providing credit, debit and charge card, travellers cheque, cash disbursement, and transaction authorization and settlement services
MASTERCARD & Interlocking Circles Design	1,890,786	4/25/1995	4/1991	6: metal key chains 9: calculators 14: watches, clocks, metal tie pins 16: pens, pencils, pen stands, paper weights, letter openers, notebooks, metal book marks 18: umbrellas, luggage, garment bags for travel, toiletry cases sold empty, duffel bags, attache cases, carry-on bags, tote bags, wallets, business card cases, credit card cases 20: non-metal key rings, luggage tags 21: mugs 24: towels 25: shirts, jackets, sweaters, sweat shirts, visors, caps 28: Christmas tree decorations, tennis balls, golf balls, soccer balls, golf tees
Interlocking Circles Design	2,038,134	2/18/1997	8/19/1992	9: electronic data carriers in the form of magnetically encoded cards 16: printed matter and publications, namely, pamphlets, brochures, newsletters and magazines of a financial nature 36: financial services, namely, providing debit card services
Interlocking Circles and Globes Design	2,077,221	7/8/1997	4/1993	36: travelers cheque services, namely the administration of [issuance,] redemption and processing of travelers cheques

MASTERCARD & Interlocking Circles Design	2,168,736	6/30/1998	2/1990	9: electronic data carriers in the form of magnetically encoded cards 16: printed matter and publications, namely, credit, debit and charge cards, travelers cheques, and pamphlets, brochures, newsletters and magazines of a financial nature 36: financial services, namely, providing credit, debit and charge card services, administration of the issuance, redemption and processing of travelers cheques, travel financial assistance, cash disbursement and transaction authorization and settlement services 39: travel assistance services, namely, arranging travel tours, making replacement and emergency reservations and booking for transportation
MASTERCARD CORPORATE & Globe Hologram Design	2,212,340	12/22/1998	1/31/1997	36: financial services, namely, providing credit card, debit card, cash disbursement, and transaction authorization and settlement services
Interlocking Circles Design	3,356,377	12/18/2007	6/27/2006	35: association services, namely, promoting the interests of banks, credit unions, and other regulated financial institutions

<p>MASTERCARD WORLDWIDE &amp; Interlocking Circles Design</p>	<p>3,356,407</p>	<p>12/18/2007</p>	<p>6/27/2006</p>	<p>36: financial services, namely, banking and credit services; providing credit card, debit card, charge card and stored value prepaid card services; banking services, bill payment, credit card services, debit card services, charge card services, cash disbursement, providing online stored value accounts in an electronic environment; bill payment services; automated teller machine services; processing of electronic bill payment financial transactions on-line via a computer database or via telecommunications and at point of sale; electronic bill payment processing services for financial transactions by card holders via automatic teller machines; the provision of balance details, deposits and withdrawals of money to card holders via automatic teller machines; financial settlement and authorization services relating to payment card transactions; issuing and redemption of travellers checks; check verification and check cashing services; verification of financial information; payer authentication services, namely, provision of services relating to the authentication of cardholders, merchants and banks for payment card transactions; electronic funds transfer and currency exchange services; dissemination of financial information via the internet and other computer networks; remote bill payment services; stored value electronic purse services, namely, providing online stored value accounts in an electronic environment; providing electronic funds and currency transfer services, electronic bill payments services, prepaid telephone calling card services, cash disbursement services, and transaction authorization and settlement services; provision of debit card, credit card and prepaid card services by means of radio frequency identification devices; provision of debit card and credit card services by means of communication and telecommunication devices; the provision of financial bill payment services for the support of retail services provided through mobile telecommunications means, including payment services through wireless devices; the provision of financial bill payment services for the support of retail services provided on-line, through networks or other electronic means using electronically digitized information; providing online stored value accounts in an electronic environment for use in the secure exchange of value, including electronic cash, over computer networks, on-line banking; financial information processing services provided over the telephone and by means of a global computer network or the internet; provision of financial information processing services by means of a global computer network or the internet</p>
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<p>MASTERCARD WORLDWIDE &amp; Interlocking Circles Design</p>	<p>3,356,408</p>	<p>12/18/2007</p>	<p>6/27/2006</p>	<p>36: financial services, namely, banking and credit services; providing credit card, debit card, charge card and stored value prepaid card services; banking services, bill payment, credit card services, debit card services, charge card services, cash disbursement, providing online stored value accounts in an electronic environment; bill payment services; automated teller machine services; processing of electronic bill payment financial transactions on-line via a computer database or via telecommunications and at point of sale; electronic bill payment processing services for financial transactions by card holders via automatic teller machines; the provision of balance details, deposits and withdrawals of money to card holders via automatic teller machines; financial settlement and authorization services relating to payment card transactions; issuing and redemption of travellers checks; check verification and check cashing services; verification of financial information; payer authentication services, namely, provision of services relating to the authentication of cardholders, merchants and banks for payment card transactions; electronic funds transfer and currency exchange services; dissemination of financial information via the internet and other computer networks; remote bill payment services; stored value electronic purse services, namely, providing online stored value accounts in an electronic environment; providing electronic funds and currency transfer services, electronic bill payments services, prepaid telephone calling card services, cash disbursement services, and transaction authorization and settlement services; provision of debit card, credit card and prepaid card services by means of radio frequency identification devices; provision of debit card and credit card services by means of communication and telecommunication devices; the provision of financial bill payment services for the support of retail services provided through mobile telecommunications means, including payment services through wireless devices; the provision of financial bill payment services for the support of retail services provided on-line, through networks or other electronic means using electronically digitized information; providing online stored value accounts in an electronic environment for use in the secure exchange of value, including electronic cash, over computer networks, on-line banking; financial information processing services provided over the telephone and by means of a global computer network or the internet; provision of financial information processing services by means of a global computer network or the internet</p>
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Interlocking Circles Design	3,356,409	12/18/2007	6/27/2006	<p>36: financial services, namely, banking and credit services; providing credit card, debit card, charge card and stored value prepaid card services; banking services, bill payment, credit card services, debit card services, charge card services, cash disbursement, providing online stored value accounts in an electronic environment; bill payment services; automated teller machine services; processing of electronic bill payment financial transactions on-line via a computer database or via telecommunications and at point of sale; electronic bill payment processing services for financial transactions by card holders via automatic teller machines; the provision of balance details, deposits and withdrawals of money to card holders via automatic teller machines; financial settlement and authorization services relating to payment card transactions; issuing and redemption of travellers checks; check verification and check cashing services; verification of financial information; payer authentication services, namely, provision of services relating to the authentication of cardholders, merchants and banks for payment card transactions; electronic funds transfer and currency exchange services; dissemination of financial information via the internet and other computer networks; remote bill payment services; stored value electronic purse services, namely, providing online stored value accounts in an electronic environment; providing electronic funds and currency transfer services, electronic bill payments services, prepaid telephone calling card services, cash disbursement services, and transaction authorization and settlement services; provision of debit card, credit card and prepaid card services by means of radio frequency identification devices; provision of debit card and credit card services by means of communication and telecommunication devices; the provision of financial bill payment services for the support of retail services provided through mobile telecommunications means, including payment services through wireless devices; the provision of financial bill payment services for the support of retail services provided on-line, through networks or other electronic means using electronically digitized information; providing online stored value accounts in an electronic environment for use in the secure exchange of value, including electronic cash, over computer networks, on-line banking; financial information processing services provided over the telephone and by means of a global computer network or the internet; provision of financial information processing services by means of a global computer network or the internet</p>
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Interlocking Circles Design	3,356,410	12/18/2007	6/27/2006	36: financial services, namely, banking and credit services; providing credit card, debit card, charge card and stored value prepaid card services; banking services, bill payment, credit card services, debit card services, charge card services, cash disbursement, providing online stored value accounts in an electronic environment; bill payment services; automated teller machine services; processing of electronic bill payment financial transactions on-line via a computer database or via telecommunications and at point of sale; electronic bill payment processing services for financial transactions by card holders via automatic teller machines; the provision of balance details, deposits and withdrawals of money to card holders via automatic teller machines; financial settlement and authorization services relating to payment card transactions; issuing and redemption of travellers checks; check verification and check cashing services; verification of financial information; payer authentication services, namely, provision of services relating to the authentication of cardholders, merchants and banks for payment card transactions; electronic funds transfer and currency exchange services; dissemination of financial information via the internet and other computer networks; remote bill payment services; stored value electronic purse services, namely, providing online stored value accounts in an electronic environment; providing electronic funds and currency transfer services, electronic bill payments services, prepaid telephone calling card services, cash disbursement services, and transaction authorization and settlement services; provision of debit card, credit card and prepaid card services by means of radio frequency identification devices; provision of debit card and credit card services by means of communication and telecommunication devices; the provision of financial bill payment services for the support of retail services provided through mobile telecommunications means, including payment services through wireless devices; the provision of financial bill payment services for the support of retail services provided on-line, through networks or other electronic means using electronically digitized information; providing online stored value accounts in an electronic environment for use in the secure exchange of value, including electronic cash, over computer networks, on-line banking; financial information processing services provided over the telephone and by means of a global computer network or the internet; provision of financial information processing services by means of a global computer network or the internet
Interlocking Circles Design	3,365,851	1/8/2008	6/27/2006	35: Association services, namely, promoting the interests of banks, credit unions, and other regulated financial institutions

The foregoing registrations are valid and subsisting, uncanceled and unrevoked, and in full force and effect, and many are incontestable pursuant to 15 U.S.C. § 1065.

Hereinafter, MasterCard's foregoing marks, including those registered and/or used in commerce, are referred to individually and/or collectively as the "Interlocking Circles Mark".

7. Use of the Interlocking Circles Mark has been continuous and has not been abandoned. As a result of extensive advertising, promotion, card usage, point of sale signage and other usage, the Interlocking Circles Mark has become famous and is one of the most renowned brands in the world, including in the United States. It represents an asset of enormous goodwill and of inestimable value to MasterCard.

8. Since long prior to Applicant's filing of the application-in-opposition and any alleged date of first use of the purported mark at issue, MasterCard has used its Interlocking Circles Mark, in connection with a wide range of financial products and services, including, but not limited to, banking services; payment, credit, debit, prepaid and stored value card services; and electronic payment services.

9. Given MasterCard's long, extensive and widespread use, advertising, promotion and registration of its Interlocking Circles Mark, consumers and the trade have become accustomed to associating marks containing the Interlocking Circles Mark and/or interlocking circles and/or globes designs in the financial, banking, and electronic payment services industries, as well as with related services/products, with MasterCard.

10. On information and belief, on December 3, 2010, Applicant National Automated Clearing House Association, a corporation organized and operating under the laws of Delaware, having a place of business at 13450 Sunrise Valley Drive, Suite 100, Herndon, Virginia 20171-3275, filed U.S. Application Serial No. 85/190,126 to register a mark comprised of an interlocking circles design with the words GLOBAL PAYMENTS FORUM A NACHA

INTERNATIONAL PAYMENTS PROGRAM, based on use of the mark since June 2009 in connection with “association services, namely, promoting the interests of the electronic payments industry,” in International Class 35.

11. Registration of Applicant’s alleged mark, which is the subject of the application-in-opposition, is barred by the provisions of Section 2(d) of the Trademark Act of 1946 because the said mark consists of or comprises a mark which so resembles MasterCard’s Interlocking Circles Mark, which has been in use and is also the subject of prior registrations and/or previously filed applications to register such marks in the United States Patent and Trademark Office, as to be likely, when used in connection with the alleged products of Applicant, to cause confusion.

12. There is no issue as to priority. Applicant’s alleged use and filing date for the application-in-opposition is subsequent to Opposer’s use of its Interlocking Circles Mark, the dates of registration and/or the filing dates of the foregoing applications to register the Interlocking Circles Mark. Applicant’s alleged mark, which is comprised, in part, of an interlocking circles design, and Opposer’s Interlocking Circles Mark are confusingly similar. On information and belief, the products/services that Applicant intends to offer in connection with its alleged mark are similar, complementary or of a related nature to the services/products MasterCard offers in connection with its famous Interlocking Circles Mark.

13. Applicant’s alleged mark shown in the application-in-opposition so resembles Opposer’s previously used and registered Interlocking Circles Mark, as to be likely, when used in connection with Applicant’s products/services, to cause confusion amongst consumers and/or the trade, or that Applicant’s mark which is shown in the application-in-opposition is a version of Opposer’s Interlocking Circles Mark, thereby deceiving the consumer, causing confusion and causing damage to Opposer, all within the meaning of 15 U.S.C. § 1063.



14. The likelihood of confusion that would also arise from concurrent use and registration of the applied for mark with MasterCard's use and registration of its Interlocking Circles Mark is that: (a) persons are likely to believe that Applicant's products and services have their source in Opposer; and/or (b) Applicant and its products and services are in some way legitimately connected or affiliated with, sponsored, approved, endorsed or licensed by Opposer when, in fact, they are not. Accordingly, registration of Applicant's mark which is the subject of the application-in-opposition is barred by the provisions of Section 2(d) of the Trademark Act of 1946, 15 U.S.C. § 1052(d).

15. Further, registration and use of Applicant's alleged mark incorporating an interlocking circles design as shown in the application-in-opposition would likely dilute MasterCard's famous and highly distinctive Interlocking Circles Mark, which became famous long prior to the filing date of Applicant's application-in-opposition, or any alleged first use by Applicant of the interlocking circles design shown in U.S. Application Serial No. 85/190,126, in violation of 15 U.S.C. § 1125(c). Accordingly, Applicant's alleged mark at issue is not entitled to registration under 15 U.S.C. § 1052(f) and Section 13 of the Lanham Act, 15 U.S.C. § 1063.

16. Opposer will be damaged by the issuance of the registration sought by Applicant because such registration would support and assist Applicant in the confusing, misleading, deceptive and/or dilutive use of Applicant's alleged mark which is shown in the application-in-opposition, and would give color of exclusive statutory rights to Applicant in violation of the prior and superior rights of MasterCard in the United States.

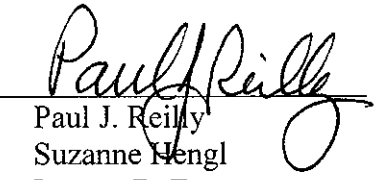
17. In view of the foregoing, issuance of a registration to Applicant for its claimed mark which is shown in the application-in-opposition would be damaging to Opposer's common law marks and federal registrations within the meaning of Section 13 of the Lanham Act, 15 U.S.C. §1063.

WHEREFORE, Opposer prays that this opposition be sustained in its favor, that registration be denied to Applicant on its Application Serial No. 85/190,126 and that the Board grant all further relief in favor of Opposer that is necessary and just.

Respectfully submitted,

BAKER BOTTS L.L.P.

Dated: July 27, 2011

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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing NOTICE OF OPPOSITION was served on the Applicant's attorney of record via express courier, in an envelope addressed to:

Dana O. Lynch, Esq.  
Whiteford, Taylor & Preston LLP  
7 Saint Paul Street  
Baltimore, MD 21202-1636

Dated: July 27, 2011

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

Lindsay B. Rodman

