

ESTTA Tracking number: **ESTTA612354**

Filing date: **06/26/2014**

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 parties oppose registration of the indicated application.

Opposers Information

| | | | |
|---------|---|-------------|----------|
| Name | New York Meditation Center LLC | | |
| Entity | Corporation | Citizenship | New York |
| Address | 224 East 17th Street New York, NY 10014 UNITED STATES | | |

| | | | |
|---------|---|-------------|------------|
| Name | A Path Ahead, Inc. d/b/a Vedic Path Meditation | | |
| Entity | Corporation | Citizenship | California |
| Address | 1276B Ruckman Avenue Unit B San Francisco, CA 94129 UNITED STATES | | |

| | | | |
|---------|---|-------------|---------------|
| Name | Thomas Knoles | | |
| Entity | Individual | Citizenship | UNITED STATES |
| Address | P.O. Box 3918 Flagstaff, AZ 86003 UNITED STATES | | |

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|----------------------|---|--|--|
| Attorney information | Dan Booth Booth Sweet LLP 32R Essex Street, Suite 1 Cambridge, MA 02139 UNITED STATES dbooth@boothsweet.com Phone:617-250-8602 | | |
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Applicant Information

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|------------------------|---|------------------------|------------|
| Application No | 85958377 | Publication date | 05/27/2014 |
| Opposition Filing Date | 06/26/2014 | Opposition Period Ends | 06/26/2014 |
| Applicant | Chopra Enterprises, LLC Suite A Carlsbad, CA 92009 UNITED STATES | | |

Goods/Services Affected by Opposition

Class 041. First Use: 0 First Use In Commerce: 0
All goods and services in the class are opposed, namely: Educational services, namely, providing individual lifepath instruction and personal coaching in the field of life path guidance

Grounds for Opposition

| | |
|--------------------------------------|-------------------------------|
| Priority and likelihood of confusion | Trademark Act section 2(d) |
| The mark is merely descriptive | Trademark Act section 2(e)(1) |
| Genericness | Trademark Act section 23 |

Marks Cited by Opposer as Basis for Opposition

| | | | |
|------------------------------------|---|------------------|------|
| U.S. Application/ Registration No. | NONE | Application Date | NONE |
| Registration Date | NONE | | |
| Word Mark | VEDIC MASTER | | |
| Goods/Services | Educational services, namely, conducting courses, workshops, seminars, retreats, meetings, consultations, mentoring, instruction and training, including training other instructors, in the fields of meditation, yoga, yogic breathing, spirituality, philosophy and personal development. | | |

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|------------------------------------|---|------------------|------|
| U.S. Application/ Registration No. | NONE | Application Date | NONE |
| Registration Date | NONE | | |
| Word Mark | VEDIC MEDITATION MASTER | | |
| Goods/Services | Educational services, namely, conducting courses, workshops, seminars, retreats, meetings, consultations, mentoring, instruction, training, and life/coach counseling, in the fields of meditation, yoga, yogic breathing, spirituality, philosophy and personal development. | | |

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| Attachments | Notice of Opposition - Vedic Master.pdf(216442 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 | /Dan Booth/ |
| Name | Dan Booth |
| Date | 06/26/2014 |

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

| | | |
|---------------------------------|--|-----------------------------------|
| NEW YORK MEDITATION CENTER) | | |
| LLC; A PATH AHEAD, INC. d/b/a) | | |
| VEDIC PATH MEDITATION; and) | | |
| THOMAS KNOLES,) | | In the Matter of Trademark |
|) | | Application Serial No. 85/958,377 |
|) | | For the Mark VEDIC MASTER |
| Opposers,) | | |
|) | | Published in the Official Gazette |
| v.) | | on May 27, 2014 |
|) | | |
| CHOPRA ENTERPRISES, LLC,) | | Opposition No. _____ |
|) | | |
| Applicant.) | | |
|)) | | |

NOTICE OF OPPOSITION

New York Meditation Center LLC, a New York limited liability corporation having a place of business at 224 East 17th Street, New York, NY 10014 (“New York Meditation Center”); A Path Ahead, Inc. d/b/a Vedic Path Meditation, a California corporation having a place of business at 1276B Ruckman Avenue Unit B, San Francisco, CA 94129 (“Vedic Path”); and Thomas Knoles, a resident of Arizona, having a business address of P.O. Box 3918, Flagstaff, AZ 86003 (“Knoles”) (collectively “Opposers”) each believe they would be damaged by registration of the mark VEDIC MASTER as set forth in Application Serial No. 85/958,377, in International Class 041, applied for by Chopra Enterprises, LLC (“Chopra” or “Applicant”), a limited liability corporation having a place of business at 6451 El Camino Real, Carlsbad CA 92009, and Opposers therefore jointly oppose the same. The grounds for this opposition are as follows:

1. On June 12, 2013, Chopra filed an application in the United States Patent and Trademark Office (“USPTO”), assigned Application Serial No. 85/958,377 (the “Application”), to register the mark VEDIC MASTER (“Applicant’s mark”) for use in connection with

“Educational services, namely providing individual lifepath instruction and guidance.”

The Application was filed on the basis of Section 1(b) of the Lanham Act, based on an intent to use the mark, and did not allege any prior trademark use in commerce.

2. On September 24, 2013 the USPTO issued an Office action requiring Chopra to “disclaim the descriptive wording ‘VEDIC’ apart from the mark as shown because it merely describes a feature of applicant’s services.” According to the Office action, “evidence from www.Merriam-Webster.com shows this wording to mean ‘of or relating to the Vedas, the language in which they are written, or Hindu history and culture between 1500 B.C. and 500 B.C.’ Therefore, the wording VEDIC merely describes the subject matter of the applicant’s educational services.”
3. The Office action further required clarification of the identification of services: “The wording ‘guidance’ in the identification of services is indefinite and must be clarified because the nature of the services is unclear.”
4. In a response to the Office action filed March 24, 2014, Chopra accepted the disclaimer, “No claim is made to the exclusive right to use ‘VEDIC’ apart from the mark as shown.”
5. Chopra’s response further amended the identification of services to: “Educational services, namely providing individual lifepath instruction and personal coaching in the field of life path guidance.”
6. As amended, the Application was published for opposition in the *Official Gazette* on May 27, 2014.
7. This opposition, filed within 30 days after publication in the *Official Gazette*, is timely.
8. Opposers each market and sell their services as instructors of Vedic meditation.

9. Opposer New York Meditation Center has offered instruction in Vedic meditation and Vedic life coaching since at least as early as 2008.
10. New York Meditation Center is the owner of Registration No. 4,181,089 for NEW YORK MEDITATION CENTER, for use in connection with educational services, namely, conducting courses, workshops, seminars, retreats, meetings, mentoring, instruction and training, in the fields of meditation, yoga, yogic breathing, spirituality, philosophy and personal development, in International Class 41.
11. New York Meditation Center's instructors were trained by Knoles, a Vedic master.
12. New York Meditation Center has referred to Knoles in commerce as a Vedic master when describing its instructors' own qualifications to consumers.
13. Registration of Applicant's mark would prevent New York Meditation Center from continuing to refer to Knoles in commerce as a Vedic master when describing its instructors' own qualifications as it has in the past.
14. Opposer Vedic Path has offered services of teaching the practice of Vedic meditation and life/coach counseling under the name Vedic Path Meditation since at least 2011. Its services are marketed at the website www.vedicpathmeditation.com.
15. Vedic Path offers the services of its principal teacher James Brown, commonly identifying him in commerce as "Vedic Meditation Master James Brown."
16. Registration of Applicant's mark would prevent Vedic Path from continuing to refer to its principal James Brown as a "Vedic Meditation Master" in commerce as it has in the past.
17. Opposer Knoles has taught more than 20,000 people how to practice meditation since 1972. Since at least 2005, he has used the term "Vedic Meditation" to describe the type of

meditation he teaches. Knoles markets and sells services including consultations, corporate coaching, consulting, and mentoring in Vedic Meditation.

18. Knoles has taught more than 40 people how to teach others how to practice Vedic Meditation, including the instructors at New York Meditation Center and Vedic Path. In that capacity as a teacher of other Vedic meditation teachers, he has been commonly described in commerce as “Vedic Master” since at least 2009.
19. Registration of Applicant’s mark would prevent Knoles from continuing to refer to himself in commerce as a “Vedic Master.” Registration would also prevent the teachers he has trained in Vedic meditation, including those at New York Meditation Center and Vedic Path, from continuing to refer to Knoles as a “Vedic Master” in commerce.
20. The Sanskrit word “veda” means “knowledge.”
21. The Vedas are a body of Sanskrit texts from ancient India that constitute the foundational texts of Hinduism.
22. More broadly, the Veda is the body of knowledge from ancient India that is the source of yoga, meditation, and Ayurvedic medicine, and is the basis of Indian philosophy.

COUNT ONE
DESCRIPTIVE MARK

23. Opposers repeat and reallege the allegations set forth in paragraphs 1 through 23 as though fully set forth herein.
24. Applicant’s mark consists only of two components: the wording VEDIC and the wording MASTER.
25. The wording VEDIC is merely descriptive of a feature of Applicant’s services.

26. Applicant disclaimed any exclusive right to use the wording VEDIC apart from the entire applied-for mark. The wording MASTER is the only portion of the applied-for mark that has not been disclaimed.
27. The wording MASTER is merely descriptive of a feature of Applicant's services.
28. A "master" is defined as "a male teacher," according to <http://www.merriam-webster.com/dictionary/master>.
29. A "master" is defined as "a man who is very good at something," according to <http://www.macmillandictionary.com/dictionary/british/master>.
30. A "master" is defined as "a person with exceptional skill at a certain thing," according to <http://www.collinsdictionary.com/dictionary/english/master>.
31. A "Vedic master" is commonly used to indicate any person who has attained a certain level of knowledge related to or derived from the Vedas, or any expert instructor of Vedic knowledge or methods.
32. Applicant's mark merely describes a person who has attained a certain level of knowledge related to or derived from the Vedas, or an expert instructor of Vedic knowledge or methods.
33. If Applicant's mark is registered, Opposers will be unable to use the descriptive term VEDIC MASTER to refer to themselves, or to the Vedic master who trained them, or their services, despite the term's common use for those purposes.
34. Applicant has not alleged any use in commerce.
35. Applicant has not engaged in sufficient use in commerce for Applicant's mark to acquire secondary meaning so as to be entitled to registration.

36. Applicant's mark merely describes features of Applicant's services.
37. If Applicant's mark is registered, Opposers will be unable to use the descriptive term VEDIC MASTER to refer to themselves, or to the expert instructor who trained them, or their services, despite the term's common use for those purposes.
38. Therefore registration of Applicant's mark must be denied.

**COUNT TWO
GENERIC MARK**

39. Opposers repeat and reallege the allegations set forth in paragraphs 1 through 40 as though fully set forth herein.
40. VEDIC is a commonly used term to describe knowledge derived from the Vedas.
41. MASTER is a commonly used, laudatory term to describe an expert instructor, both in general and specifically in the fields of Vedic meditation, yoga, Ayurvedic medicine and philosophy.
42. In combination, VEDIC MASTER is a commonly used term to describe a person who has attained a certain level of knowledge related to or derived from the Vedas. The term is incapable of distinguishing Applicant's services and is generic.
43. Therefore registration of Applicant's mark must be denied.

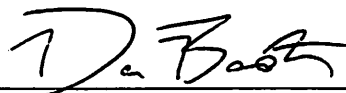
**COUNT THREE
LIKELIHOOD OF CONFUSION**

44. Opposers repeat and reallege the allegations set forth in paragraphs 1 through 45 as though fully set forth herein.
45. Knoles has been generally and continuously known and referred to in commerce as a "Vedic Master" since at least 2009.

46. Vedic Path has generally and continuously used the term “Vedic Meditation Master” to refer to its instructor and its services since at least 2011.
47. Upon information and belief, Vedic Path and Knoles’ first use of those terms in commerce predates any trademark use by Applicant of the applied-for mark.
48. Applicant’s use of the applied-for mark in connection with its proposed services is likely to cause confusion, mistake or deception as to the source of origin of Applicant’s services in that consumers are likely to confuse Knoles’ or Vedic Path’s services with Chopra’s services, or to believe that Knoles or Vedic Path provided, sponsored, approved, endorsed, licensed, or otherwise was affiliated with Chopra or the services Chopra intends to provide in connection with the mark.
49. Opposers would be harmed by any such consumer confusion, mistake or deception.
50. Therefore registration of Applicant’s mark must be denied.

WHEREFORE Opposers respectfully request that this opposition be sustained and that the registration sought in International Class 41 in Application Serial No. 85/958,377 be denied.

Dated: June 26, 2014



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