

ESTTA Tracking number: **ESTTA988199**

Filing date: **07/17/2019**

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	Villanova University in the State of Pennsylvania
Granted to Date of previous extension	07/24/2019
Address	800 Lancaster Avenue Villanova, PA 19085 UNITED STATES

Correspondence information	W. DREW KASTNER SCHNADER HARRISON 1600 MARKET STREET SUITE 3600 PHILADELPHIA, PA 19103 UNITED STATES trademarks@schnader.com 215-751-2122
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Applicant Information

Application No	88186910	Publication date	03/26/2019
Opposition Filing Date	07/17/2019	Opposition Period Ends	07/24/2019
Applicant	NAZ Holdings, LLC 1225 West Main Street #101-272 Mesa, AZ 85201 UNITED STATES		

Goods/Services Affected by Opposition

Class 025. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Hoodies; Jackets; Shirts; Sweatshirts; Long-sleeved shirts; Polo shirts; T-shirts
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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. Application No.	88358655	Application Date	03/27/2019
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	NOVA		


Design Mark	
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Description of Mark	NONE
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Goods/Services	<p>Class 009. First use: First Use: 2015/01/00 First Use In Commerce: 2015/01/00 Downloadable software, namely, apps for University public safety and University events and student information</p> <p>Class 025. First use: First Use: 1994/02/00 First Use In Commerce: 1994/02/00 Apparel, namely, T-shirts, hats and caps</p> <p>Class 035. First use: First Use: 2015/01/00 First Use In Commerce: 2015/01/00 Providing an online portal for University students and employees regarding available University services; Arranging and conducting incentive reward program for charitable donors; Coordination of a racing team; Promoting diversity in engineering; Charitable services, namely, organizing and conducting community service projects; Providing public relation services; On-line professional networking services available across all college and fields of discipline for students, alumni and other Villanova community members</p> <p>Class 038. First use: First Use: 2014/07/00 First Use In Commerce: 2014/07/00 Telecommunication services, namely, providing e-mail notification alerts via the internet</p> <p>Class 039. First use: First Use: 2018/08/00 First Use In Commerce: 2018/08/00 Campus and local transportation services</p> <p>Class 041. First use: First Use: 2011/08/00 First Use In Commerce: 2011/08/00 Educational services, namely, providing an online training portal for University employees; Entertainment services, namely, providing free or low cost entertainment, including bands, comedians, novelty acts and poets; Providing a website featuring alumni profiles and information; Social organization of students to raise awareness for sexual assault; Educational programming on campus and community safety; Education abroad programs; Providing an online system for purchasing goods and services used by the University; Providing an online system for purchasing tickets to University programs and events; Educational and research services in the field of cellular engineering; Educational and research services in the field of thermal fluids for thermal management of electronic devices and the development and implementation of sustainable energy technologies</p> <p>Class 042. First use: First Use: 2017/09/00 First Use In Commerce: 2017/09/00 Charitable services, namely, providing toiletries and food items for University students in need</p> <p>Class 043. First use: First Use: 2012/08/00 First Use In Commerce: 2012/08/00 On-campus dining services</p>
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U.S. Registration No.	3977397	Application Date	10/28/2010
Registration Date	06/14/2011	Foreign Priority Date	NONE

Word Mark	VILLANOVA
Design Mark	
Description of Mark	NONE
Goods/Services	<p>Class 006. First use: First Use: 1990/12/31 First Use In Commerce: 1990/12/31 Metal key chains</p> <p>Class 012. First use: First Use: 1991/12/31 First Use In Commerce: 1991/12/31 License plate frames</p> <p>Class 016. First use: First Use: 1990/12/31 First Use In Commerce: 1990/12/31 Ballpoint pens; Decals</p> <p>Class 018. First use: First Use: 1990/12/31 First Use In Commerce: 1990/12/31 Athletic bags; Duffel bags; Tote bags; Wallets</p> <p>Class 020. First use: First Use: 1990/12/31 First Use In Commerce: 1990/12/31 Chairs; Picture frames; Seat cushions</p> <p>Class 021. First use: First Use: 1990/12/31 First Use In Commerce: 1990/12/31 Beverage glassware; Mugs; Plastic waterbottles sold empty</p> <p>Class 024. First use: First Use: 1990/12/31 First Use In Commerce: 1990/12/31 Banners and flags of textile; Golf towels</p> <p>Class 025. First use: First Use: 1953/12/31 First Use In Commerce: 1953/12/31 Hats; Jackets; Sandals; Shorts; Sports jerseys; Sweaters; Sweatpants; Sweat-shirts; T-shirts</p> <p>Class 028. First use: First Use: 1990/12/31 First Use In Commerce: 1990/12/31 Basketballs; Divot repair tool for golfers; Golf club covers; Plush toys</p>

U.S. Registration No.	4816270	Application Date	09/08/2014
Registration Date	09/22/2015	Foreign Priority Date	NONE
Word Mark	NOVA NOW		
Design Mark			
Description of	NONE		

Mark	
Goods/Services	Class 009. First use: First Use: 2014/08/19 First Use In Commerce: 2014/08/19 Computer application software for mobile devices, namely, software for providing university campus, community and academic information and services, namely, providing campus map information and navigation, campus and community events calendar, campus directory, campus dining hall information, menus and nutritional facts, course schedule information, facilities access and access monitoring, and student account management and use

U.S. Registration No.	4543148	Application Date	10/21/2013
Registration Date	06/03/2014	Foreign Priority Date	NONE

Word Mark	NOVA BUCKS
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Design Mark	
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Description of Mark	The mark consists of the word NOVA with the word BUCKS below it. The "O" consists of a large circle with two semicircles mostly within the large circle. The semicircles partially overlap one another and partially extend outside the circle. Each semicircle has a small circle within it.
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Goods/Services	Class 036. First use: First Use: 2013/01/31 First Use In Commerce: 2013/01/31 Debit card services
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U.S. Registration No.	4543141	Application Date	10/21/2013
Registration Date	06/03/2014	Foreign Priority Date	NONE

Word Mark	NOVA BUCKS
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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: 2013/01/31 First Use In Commerce: 2013/01/31
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	Debit card services		
U.S. Registration No.	4494282	Application Date	07/02/2013
Registration Date	03/11/2014	Foreign Priority Date	NONE
Word Mark	'NOVA NATION		
Design Mark			
Description of Mark	The mark comprises the words "NOVA NATION" forming a map of the United States with the apostrophe in the shape of the state of Alaska.		
Goods/Services	Class 025. First use: First Use: 2007/12/31 First Use In Commerce: 2007/12/31 T-shirts		
U.S. Registration No.	4001832	Application Date	11/29/2010
Registration Date	07/26/2011	Foreign Priority Date	NONE
Word Mark	NOVA NATION		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2009/12/31 First Use In Commerce: 2009/12/31 Decorative magnets Class 016. First use: First Use: 2006/12/31 First Use In Commerce: 2006/12/31 Decals		

	<p>Class 020. First use: First Use: 2009/12/31 First Use In Commerce: 2009/12/31 [Plastic key rings]</p> <p>Class 024. First use: First Use: 2009/12/31 First Use In Commerce: 2009/12/31 Banners and flags of textile; Blanket throws</p> <p>Class 025. First use: First Use: 2007/12/31 First Use In Commerce: 2007/12/31 T-shirts</p>
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U.S. Registration No.	4182949	Application Date	12/07/2011
Registration Date	07/31/2012	Foreign Priority Date	NONE
Word Mark	IGNITE CHANGE. GO NOVA.		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 041. First use: First Use: 2011/08/31 First Use In Commerce: 2011/08/31 Education and entertainment services, namely, conducting educational programs and courses of instruction on the undergraduate, graduate and professional levels, conducting research programs, and conducting athletic and cultural events</p>		

Attachments	<p>88358655#TMSN.png(bytes) 85163421#TMSN.png(bytes) 86387803#TMSN.png(bytes) 86096767#TMSN.png(bytes) 86096678#TMSN.png(bytes) 86000703#TMSN.png(bytes) 85185910#TMSN.png(bytes) 85489151#TMSN.png(bytes) Notice of Oppn 88186910.pdf(61242 bytes)</p>
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Signature	/W. Drew Kastner/
Name	W. DREW KASTNER
Date	07/17/2019

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Before the Trademark Trial and Appeal Board**

IN RE: Application No. 88186910

Trademark: The logo for NOVA DISPENSARY features the word "NOVA" in a large, serif font above the word "DISPENSARY" in a smaller, sans-serif font. To the left of the text is a stylized leaf or feather icon.

Opposer: Villanova University

Applicant: Naz Holdings LLC

Published: March 26, 2019

Attorney Docket No: 0906327-0013

NOTICE OF OPPOSITION

Commissioner for Trademarks
Alexandria, VA 22313-1451

Dear Sir or Madam:

Villanova University, a Pennsylvania not-for-profit corporation having offices at 800 Lancaster Avenue, Villanova, PA 19085 (“Villanova” or “the University”), believes it will be damaged by the registration of the above identified mark (hereinafter “Applicant’s mark”) and hereby opposes the same.

The grounds for the opposition are as follows:



1. Villanova University has been providing education and athletics services to students since its founding in 1842. Today, Villanova is a leading provider of collegiate athletic services, most notably its highly competitive men’s basketball team, which won the NCAA championships in 2016 and 2018.

2. Villanova, which has been affectionately referred to by both the college community and the public as NOVA, has used the unregistered mark NOVA on its website. For example, the website uses SHOP NOVA to direct visitors to Villanova’s official online store to purchase Villanova apparel and memorabilia. The website also uses SUPPORT NOVA to direct visitors to make donations to support Villanova’s athletic program. The Villanova bookstore also sells apparel with the NOVA mark.

3. In addition, the University has adopted marks containing “Nova” in its social media presence. The University’s Athletic Program adopted the name NovaAthletics as its Twitter handle. Moreover, it also maintains a YouTube channel entitled “Nova Nation All-Access” which provides videos of game play, post-game press conferences, and other athletics events.

4. In addition to the various unregistered “NOVA” marks, Villanova is also the owner of the following United States registered trademarks and pending application that include NOVA (the marks collectively as “the NOVA Marks”):

Reg./Ser. No. and Date	Mark	Goods and Services	Date of First Use in Commerce:
3977397 (06/14/2011)	VILLANOVA	Metal key chains (IC 006); License plate frames (IC 012); Ballpoint pens (IC 016); Athletic bags, Duffel bags, tote bags, wallets (IC 018); chairs, picture frames, seat cushions (IC 020); Beverage glassware (IC 021); Banners and flags of textile; golf towels (IC 024); hats, jackets, sandals, shorts, sports jerseys, sweaters, sweatpants, sweatshirts, t-shirts (IC 025); basketballs,	For Cl. 6: 12/31/1990 For Cl. 12: 12/31/1991 For Cl. 16: 12/31/1990 For Cl. 18: 12/31/1990 For Cl. 20: 12/31/1990 For Cl. 21: 12/31/1990 For Cl. 24: 12/31/1990 For Cl. 25: 12/31/1953

		divot repair tool for golfers, golf club covers, plush toys (IC 028)	For Cl. 28: 12/31/1990
4816270 (09/22/2015)	NOVA NOW	Computer application software for mobile devices, namely, software for providing university campus, community and academic information and services, namely, providing campus map information and navigation, campus and community events calendar, campus directory, campus dining hall information, menus and nutritional facts, course schedule information, facilities access and access monitoring, and student account management and use (IC 009)	08/19/2014
4543148 (06/03/2014)		Debit card services (IC 036)	01/31/2013
4543141 (06/03/2014)	NOVA BUCKS	Debit card services (IC 036)	01/31/2013
4494282 (03/11/2014)		T-shirts (IC 025)	12/31/2007
4001832 (07/26/2011)	NOVA NATION	Decorative magnets (IC 009); Decals (IC 016); Banners and flags of textile, blanket throws (IC 024); T-shirts (IC 025)	For Cl. 9: 12/31/2009 For Cl. 16: 12/31/2006 For Cl. 24: 12/31/2009 For Cl. 25: 12/31/2007
4182949 (07/31/2012)	IGNITE CHANGE. GO	Education and entertainment services, namely, conducting	08/31/2011

	NOVA.	educational programs and courses of instruction on the undergraduate, graduate and professional levels, conducting research programs, and conducting athletic and cultural events (IC 041)	
88358655 (filed 03/27/2019)	NOVA	Downloadable software, namely, apps for University public safety and University events and student information (IC 009); Apparel, namely, T-shirts, hats and caps (IC 025); Providing an online portal for University students and employees regarding available University services; Arranging and conducting inventive reward program for charitable donors; Coordination of a racing team; Promoting diversity in engineering; Charitable services, namely, organizing and conducting community service projects; Providing public relation services; on-line professional networking services available across all college and fields of discipline for students, alumni and other Villanova community members (IC 035); Telecommunication services, namely providing e-mail notification alerts via the internet (IC 038); campus and local transportation services (IC 039); Educational services, namely, providing an	For Cl. 9: 01/2015 For Cl. 25: 02/1994 For Cl. 35: 01/2015 For Cl. 38: 07/2014 For Cl. 39: 08/2018 For Cl. 41: 08/2011 For Cl. 42: 09/2017 For Cl. 43: 08/2012

		<p>online training portal for University employees; Entertainment services, namely, providing free or low cost entertainment, including bands, comedians, novelty acts and poets; Providing a website featuring alumni profiles and information; Social organization of students to raise awareness for sexual assault; Educational programming on campus and community safety; Education abroad programs; Providing an online system for purchasing goods and services used by the University; Providing an online system for purchasing tickets to University programs and events; Educational and research services in the field of cellular engineering; Educational and research services in the field of thermal fluids for thermal management of electronic devices and the development and implementation of sustainable energy technologies (IC 041); Charitable services, namely, providing toiletries and food items for University students in need (IC 042); On-campus dining services (IC 043)</p>	
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5. The University's rights in its NOVA marks arise from its continuous use in commerce of the marks for as long as 25 years.

6. Villanova has used its NOVA mark on hats and t-shirts continuously since 1994, and has sold these goods and other apparel products in its campus bookstore and through the university bookstore's online website, where the products can be viewed and purchased:

https://shop.villanova.com/mens-fanatics-branded-heathered-navy-villanova-wildcats-arched-battle-cry-tri-blend-t-shirt/p-70346662860746+z-874-3099236979?_ref=p-PDP:m-CAV:i-r0c0

https://shop.villanova.com/mens-fanatics-branded-heathered-gray-villanova-wildcats-arched-battle-cry-tri-blend-t-shirt/p-25349919697260+z-9614-1356366520?_ref=p-PDP:m-CAV:i-r0c0

https://shop.villanova.com/mens-fanatics-branded-navy-villanova-wildcats-arched-battle-cry-raglan-tri-blend-t-shirt/p-47233373987011+z-9725-645025688?_ref=p-PDP:m-CAV:i-r0c1

https://shop.villanova.com/mens-fanatics-branded-heathered-gray-villanova-wildcats-arched-battle-cry-raglan-tri-blend-long-sleeve-t-shirt/p-36565519252929+z-9197-3587136255?_ref=p-PDP:m-CAV:i-r0c1

<https://www.bkstr.com/villanovastore/product/clothing-accessories/men/hats-men/villanova-university-adjustable-cap-137166-1>

7. On November 12, 2018, Applicant filed an intent-to-use Trademark



Application Serial No. 88186910 to register for hoodies; jackets; shirts; sweatshirts, long-sleeved shirts; polo shirts; t-shirts in Class 25.


8. There is no issue as to priority. Villanova's rights in its NOVA Marks were established long prior to the Applicant's application opposed herein and are senior to those of Applicant.

9. Applicant's mark is similar to Villanova's marks in sound, appearance, and commercial impression.

10. Applicant's goods are virtually identical to Villanova's goods on which it uses its mark.

11. Applicant's use and registration of its mark for its Class 25 goods will likely cause confusion, mistake, or deceive consumers or members of the trade as to source, affiliation, or sponsorship of such services.



12. For these reasons, Applicant's registration of  for the goods of the application herein opposed would cause injury and damage to Villanova.

WHEREFORE, Villanova prays that its opposition be sustained and that Application Serial No. 88186910 be refused registration.

Please address all correspondence to W. Drew Kastner, Esq. at the address below.

Respectfully submitted,
SCHNADER HARRISON SEGAL & LEWIS LLP

Date: July 17, 2019

By: /W. Drew Kastner/
W. Drew Kastner
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Attorneys for Opposer Villanova University

Certification Under 37 CFR 1.8

I hereby certify that on this 17th day of July 2019, the foregoing Notice of Opposition is being filed with the United States Patent and Trademark Office through ESTTA and a copy is being sent to Applicant via the United States Postal Service with sufficient postage as first-class mail under 37 CFR 1.8 on the date indicated below addressed to:

Steven J. Laureanti
Spencer Fane
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Phoenix, AZ 85016

/Stephenie W. Yeung/
Stephenie W. Yeung