

ESTTA Tracking number: **ESTTA1132426**

Filing date: **05/10/2021**

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	The Children's Hospital of Philadelphia
Granted to Date of previous extension	05/09/2021
Address	34TH STREET AND CIVIC CENTER BOULEVARD PHILADELPHIA, PA 19104 UNITED STATES
Attorney information	LYNN E. RZONCA BALLARD SPAHR LLP 1735 MARKET STREET, 51ST FLOOR PHILADELPHIA, PA 19103-7599 UNITED STATES Primary Email: rzoncal@ballardspahr.com Secondary Email(s): shorem@ballardspahr.com, tmdocketing@ballardspahr.com, watkinsjh@ballardspahr.com 215.864.8109
Docket Number	00086577

Applicant Information

Application No.	88796310	Publication date	11/10/2020
Opposition Filing Date	05/10/2021	Opposition Period Ends	05/09/2021
Applicant	Rutgers, The State University of New Jersey OFFICE OF TRADEMARK LICENSING 101 SOMERSET STREET NEW BRUNSWICK, NJ 08901 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: SPORTSWEAR, NAMELY, SHIRTS, HATS, JACKETS, SWEATERS, SHORTS, SWEATSHIRTS AND SWEATPANTS; CLOTHING, NAMELY, SHIRTS, HATS, JACKETS, SWEATERS, SHORTS, SCARVES, SWEATSHIRTS AND SWEATPANTS
Class 041. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: ENTERTAINMENT SERVICES, namely, ORGANIZING AND SPONSORING AMATEUR SPORTING EVENTS IN THE FIELD OF FOOTBALL

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.	2537658	Application Date	11/17/1999
Registration Date	02/12/2002	Foreign Priority Date	NONE
Word Mark	CHOP		
Design Mark	CHOP		
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 1996/08/00 First Use In Commerce: 1996/08/00 hospital; medical services; health care; medical assistance; medical laboratory; medical research and medical testing; providing medical and health information; medical consulting; medical clinics and nutritional counseling		

U.S. Registration No.	2215228	Application Date	02/11/1997
Registration Date	12/29/1998	Foreign Priority Date	NONE
Word Mark	CHOP CONNECTION		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 1997/02/16 First Use In Commerce: 1997/02/16 medical services, namely, providing twenty-four hour in-patient community-based pediatric and neonatal care through a network of community-based providers		

U.S. Registration No.	2215229	Application Date	02/11/1997
Registration Date	12/29/1998	Foreign Priority Date	NONE
Word Mark	CHOP CONNECTION		

Design Mark	 <p>The logo features the letters 'CHOP' in a large, stylized, black serif font. A black silhouette of a person with arms raised is integrated into the letter 'H'. Below 'CHOP', the word 'CONNECTION' is written in a smaller, black, spaced-out sans-serif font.</p>
Description of Mark	NONE
Goods/Services	Class 042. First use: First Use: 1997/02/16 First Use In Commerce: 1997/02/16 medical services, namely, providing twenty-four hour in-patient community-based pediatric and neonatal care through a network of community-based providers

Attachments	75852087#TMSN.png(bytes) 75240164#TMSN.png(bytes) Notice of Opposition CHOP.pdf(183316 bytes) Exhibit A CHOP.pdf(868552 bytes)
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Signature	/Lynn E. Rzonca/
Name	LYNN E. RZONCA
Date	05/10/2021

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

The Children’s Hospital of Philadelphia,	:	
	:	
Opposer,	:	
	:	
v.	:	Opposition No. _____
	:	Serial No. 88/796,310
	:	
	:	
	:	CHOT
	:	Mark:
Rutgers, The State University of New Jersey,	:	
	:	
Applicant.	:	

NOTICE OF OPPOSITION

In the matter of the application of Rutgers, The State University of New Jersey

CHOT

(the “Applicant”) for registration of the mark: **CHOT** (“Applicant’s Mark”), Application Serial No. 88/796,310 (the “Application”), filed February 13, 2020, and published for opposition in the *Official Gazette* on November 10, 2020:

The Children’s Hospital of Philadelphia, a Pennsylvania non-profit corporation having a place of business at 3401 Civic Center Blvd., Philadelphia, PA 19104 (the “Opposer”), will be damaged by the registration of the mark shown in the Application and hereby opposes the same. The grounds for opposition are as follows:


1. The Children’s Hospital of Philadelphia, founded in 1855, was the first hospital in the United States devoted exclusively to the care of children. Over the years since its founding, Opposer has become known by the acronym “CHOP,” and now uses CHOP as one of its marks for its goods and services.

2. Since opening its doors in 1855, Opposer has become one of the nation’s premier children’s hospitals. Consumers throughout the United States and all over the world recognize Opposer as a source of high-quality medical and specialty care for children. Opposer is a non-profit corporation that depends on charitable contributions to advance its mission. Opposer promotes its services in and draws and treats patients from all over the United States and the world, including the region where Applicant operates, under its various marks, including “CHOP.”

3. Since at least August 1996, Opposer has used the mark CHOP (the “Mark”) in commerce to identify its hospital and related services. In addition, Opposer has made considerable use of the Mark for other goods and services, and thus has common-law rights in the Mark as well.

4. Opposer is the owner of the following incontestable United States trademark registrations for the marks CHOP, CHOP CONNECTION, and CHOP CONNECTION & Design (collectively, the “Registrations”). Attached hereto as **Exhibit A** are printouts from the electronic database records of the United States Patent and Trademark Office showing the current status and title of the Registrations.

Mark	Registration No.	Goods	Registration Date
CHOP	2,537,658	Class 42: Hospital; medical services; health care; medical assistance; medical laboratory; medical research and medical testing; providing medical and health information; medical consulting; medical clinics and nutritional counseling (Date of First Use Aug. 1996)	Feb. 12, 2002
CHOP CONNECTION	2,215,228	Class 42: Medical services, namely, providing twenty-four hour in-patient community-based pediatric and	Dec. 29, 1998

		neonatal care through a network of community-based providers (Date of First Use Feb. 16, 1997)	
	2,215,229	Class 42: Medical services, namely, providing twenty-four hour in-patient community-based pediatric and neonatal care through a network of community-based providers (Date of First Use Feb. 16, 1997)	Dec. 29, 1998

5. Opposer has invested considerable time and resources in promoting its goods and services under its Mark.

6. Opposer's Registrations are valid and subsisting.

7. Opposer's use of the Mark has been continuous, exclusive, and commercially significant for several years in connection with Opposer's goods and services.

8. Opposer's Mark is inherently distinctive as applied to Opposer's goods and services.

9. Consumers have come to associate the Mark with Opposer's goods and services and with Opposer as the source of these goods and services.

10. Because of the substantial investment of time and resources nationally to market, promote, and advertise Opposer's Mark, consumers have come to associate Opposer's Mark exclusively with Opposer and Opposer's goods and services.

11. By virtue of Opposer's continuous use in commerce of Opposer's Mark in connection with Opposer's goods and services for an extensive period of time, such goods and services have become favorably known to the relevant trade and public under Opposer's Mark.

12. In addition to its use as a trademark, Opposer also uses "CHOP" as a trade name to identify itself and its business to the public.

13. Despite Opposer's common law and statutory rights in the Mark and trade name CHOP, Applicant seeks to register the aurally identical, and visually highly similar, mark



for “*sportswear, namely, shirts, hats, jackets, sweaters, shorts, sweatshirts and sweatpants; clothing, namely, shirts, hats, jackets, sweaters, shorts, scarves, sweatshirts and sweatpants*” in Class 25 and “*entertainment services, namely, organizing and sponsoring amateur sporting events in the field of football*” in Class 41, as set forth in the Application.

14. The Application for the goods and services herein opposed was filed on February 13, 2020 based on Section 1(b) of the Trademark Act.


15. Opposer's date of first use for its Mark, and Opposer's registration dates for the Registrations designating the marks CHOP, CHOP CONNECTION, and CHOP CONNECTION & Design, precede the filing date of the Application.

16. In the Application for the goods and services herein opposed, there are no restrictions on trade channels, so it must be presumed that Applicant's applied-for goods and services will travel through all trade channels appropriate for goods and services of that type.

17. The Class 25 goods designated in the Application are highly similar and commercially related to the clothing and merchandise that Opposer has offered and sold under its Mark. On information and belief, the Class 25 goods and Class 41 services designated in the Application are offered in the same and overlapping geographic areas as the goods and services offered under Opposer's Mark, where Opposer has long identified itself and its business to the public under its trade name “CHOP.”

18. On information and belief, Applicant's goods and services and Opposer's goods and services are intended to be marketed through overlapping channels of trade and are intended to be sold to overlapping classes of purchasers.



19. Applicant's Mark  as applied to Applicant's goods and services so resembles Opposer's Mark CHOP as applied to Opposer's goods and services that it is likely to cause confusion, mistake, or deception.

20. Applicant's Mark is confusingly similar to Opposer's Mark because the alleged mark has a similar appearance, connotation, sound, and commercial impression as compared to Opposer's Mark.

21. If Applicant is permitted to register Applicant's Mark for the goods and services recited in the Application, confusion in the relevant trade and public is likely to result, which will damage and injure Opposer.

22. Any defect, objection to, or fault found with Applicant's goods and services provided under Applicant's Mark would necessarily reflect on and seriously injure the reputation that Opposer has established for its goods, services, and business.

23. If Applicant is granted a registration for Applicant's Mark, it would obtain thereby at least a *prima facie* exclusive right to use that mark in connection with the goods and services recited in the Application. Such registration would be a source of damage and injury to Opposer.

WHEREFORE, Opposer prays that this Opposition be sustained and registration of the mark of Application Serial No. 88/796,310 be refused.

Date: May 10, 2021

Respectfully submitted,

/Lynn E. Rzonca/

Lynn E. Rzonca

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*Attorneys for Opposer, The Children's
Hospital of Philadelphia*

EXHIBIT A



United States Patent and Trademark Office

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CHOP

Word Mark CHOP

Goods and Services IC 042. US 100 101. G & S: hospital; medical services; health care; medical assistance; medical laboratory; medical research and medical testing; providing medical and health information; medical consulting; medical clinics and nutritional counseling. FIRST USE: 19960800. FIRST USE IN COMMERCE: 19960800

Mark Drawing Code (1) TYPED DRAWING

Serial Number 75852087

Filing Date November 17, 1999

Current Basis 1A

Original Filing Basis 1A

Published for Opposition November 20, 2001

Registration Number **2537658**

Registration Date February 12, 2002

Owner (REGISTRANT) Children?s Hospital of Philadelphia, The NON-PROFIT CORPORATION PENNSYLVANIA 34th and Civic Center Boulevard Philadelphia PENNSYLVANIA 19104

Attorney of Record Lynn E. Rzonca

Type of Mark SERVICE MARK

Register PRINCIPAL

Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20110218.

Renewal 1ST RENEWAL 20110218

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Word Mark CHOP CONNECTION

Goods and Services IC 042. US 100 101. G & S: medical services, namely, providing twenty-four hour in-patient community-based pediatric and neonatal care through a network of community-based providers. FIRST USE: 19970216. FIRST USE IN COMMERCE: 19970216

Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code 02.05.02 - Children depicted in silhouettes or profiles of children; Silhouettes of children
02.05.24 - Stylized children, including children depicted in caricature form
02.05.26 - Children - grotesque children formed by letters, numbers, punctuation or geometric shapes
02.07.05 - Groups, children

Serial Number 75240164

Filing Date February 11, 1997

Current Basis 1A

Original Filing Basis 1B

Published for Opposition October 28, 1997

Registration Number 2215229

Registration Date December 29, 1998

Owner (REGISTRANT) Children's Hospital of Philadelphia, The NON-PROFIT CORPORATION PENNSYLVANIA 34th Street and Civic Center Boulevard Philadelphia PENNSYLVANIA 19104

Attorney of Record Jamie B. Bischoff

Type of Mark SERVICE MARK

Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20180123.
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