

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Applicant: Knowledge Universe Education LLC

Examiner: Darryl M. Spruill

Serial No.: 77/713,157

Law Office: 112



For:

CHAMPIONS

Box RESPONSES

NO FEE

Commissioner for Trademarks

P.O. Box 1451

Alexandria, VA 22313-1451

RESPONSE

This communication is responsive to the Office Action dated October 26, 2011 and due for a response by April 26, 2012.

REMARKS

The Examining Attorney has refused registration of Applicant's mark based on a finding



that the **CHAMPIONS** mark in the subject application is likely to be confused with the

"CHAMPIONS" marks in cited U.S. Registration Nos. 3,081,076; 3,276,187; 3,310,829;

3,567,022; and 3,925,825 (the "Cited Registrations"). For ease of comparison the following is a

list of the Cited Registrations and the goods and services identified for each of the Cited

Registrations:

- U.S. Registration No. 3,081,076 for CHAMPIONS, owned by Boy Scouts of America for "printed educational curricula materials sold to professionals in the field of education, namely, lesson plan books and wall charts designed for and used

specifically in special needs classrooms for students with mental disabilities, to teach children with special needs the life skills they need to achieve self sufficiency” in International Class 16;

- U.S. Registration No. 3,276,187 for CHAMPION, owned by JPMorgan Chase Bank, N.A. for “pre-recorded audio video tapes, audio cassettes and DVD's featuring instruction and information on the fields of health, exercise, nutrition, sports, diet, sport fashion and lifestyle” in International Class 9;
- U.S. Registration No. 3,310,829 for CHAMPIONS ACADEMY, owned by Champions Academy, Inc. for “conducting workshops and seminars in basketball skills; Training services in the field of basketball skills” in International Class 41;
- U.S. Registration No. 3,567,022 for CHAMPIONS, owned by Good Sports Plus Ltd. for “education services, namely, providing after-school enrichment in the form of classes in the arts, homework help, athletic programs, and outdoor education activities including hiking, camping, mountain biking, kayaking, rock climbing, teambuilding and orienteering" in International Class 41 (THIS REGISTRATION WAS CANCELLED ON JANUARY 24, 2012, AFTER THE EXAMINING ATTORNEY’S OFFICE ACTION WAS ISSUED, AND WILL THEREFORE NOT BE ADDRESSED IN THIS RESPONSE); and
- U.S. Registration No. 3,925,825, LITTLE CHAMPIONS, owned by Shaping Champions LLC for “physical education for children, namely, providing specialized workout programs and skills classes” in International Class 41.

Applicant respectfully submits that it has used the CHAMPIONS mark prominently, substantially, exclusively and continuously in connection with its educational and child care services for more than twenty years, since as early as 1988, such that Applicant’s use and registration of its CHAMPIONS mark pre-dates the use and registration of all but one of the Cited Registrants’ marks. Applicant’s multiple registrations for the CHAMPIONS mark for educational and/or child care services include the marks “CHAMPIONS”, “CHAMPIONS...GO ONE BETTER”, “CHAMPIONS EXTENDED LEARNING”, “CHAMPIONS ACADEMY”, “CHAMPIONS SCIENCE ADVENTURES”. Applicant has attached information from the

TARR pages of the U.S. Patent and Trademark Office relating to Applicant's "CHAMPIONS" marks. See Exhibit A.

Applicant's long-standing reputation in the field of education and child care and its association with its widely used family of "CHAMPIONS" marks for educational and child care services for more than twenty years sets Applicant apart from the Cited Registrants such that consumers associate Applicant with educational and child care services, and already associate the word "CHAMPIONS" with these particular services offered by Applicant. Such striking consumer recognition of Applicant as a provider of educational and child care services allows consumers to easily distinguish Applicant's mark from those of the Cited Registrations.

Based upon the following response, Applicant respectfully requests the Examining Attorney to reconsider the refusal and approve the application for publication.



I. There is No Likelihood of Confusion Between Applicant's Mark and the Cited Registrations.

Under the Trademark Act, a refusal to register a mark grounded in likelihood of confusion requires that such confusion as to the source of the goods or services be not merely possible, but **likely**. A mere possibility of confusion is an insufficient basis for rejection under Section 2(d). *In re Massey-Ferguson Inc.*, 222 U.S.P.Q. 367, 368 (T.T.A.B. 1983) (quoting *Witco Chemical Co. v. Whitfield Chemical Co., Inc.*, 164 U.S.P.Q. 43, 44 (C.C.P.A. 1969)):

We are not concerned with mere theoretical possibilities of confusion, deception or mistake or with de minimis situations but with the practicalities of the commercial world, with which trademark laws deal.

Moreover, mere similarity or even identity between marks can never alone be decisive of likelihood of confusion. *McGregor-Doniger, Inc. v. Drizzle Inc.*, 202 U.S.P.Q. 81, 89 (2d Cir. 1979). Thus, in holding the mark "DRIZZLE" for women's overcoats was not likely to cause

confusion with "DRIZZLER" for golf jackets, the Court of Appeals for the Second Circuit stated:

First, even close similarity between two marks is not dispositive of the issue of likelihood of confusion. "Similarity in and of itself is not the acid test. Whether the similarity is likely to provoke confusion is the crucial question." (Citation omitted.) *McGregor-Doniger*, 202 U.S.P.Q. at 89.

See In re Norfolk Wallpaper, Inc., 216 U.S.P.Q. 903 (T.T.A.B. 1983) ("THE NORFOLK PLAN" for installation of wallpaper and retail wallpaper store services does not so resemble "NORFOLK" for interior and exterior ready-made paint and varnishes, and thinners for pain and varnishes that confusion is likely); *Interstate Brands Corp. v. Celestial Seasonings, Inc.*, 198 U.S.P.Q. 151 (C.C.P.A. 1978) ("RED ZINGER" for herb tea not likely to cause confusion with "ZINGERS" for cakes); *In re Texas Instruments, Inc.*, 193 U.S.P.Q. 678 (T.T.A.B. 1976) (no likelihood of confusion between "COPPER CLAD" for copper-coated carbon electrodes for electric arc cutting and gouging and "COPPERCLAD & Design" for composite metal wire for use in electric conductors); *In re Vogue Tyre & Rubber Co.*, 176 U.S.P.Q. 189 (T.T.A.B. 1972) (no confusing similarity between "CUSTOM BUILT & Design" for goods including storage batteries and "CUSTOM BUILT" for tires); and *Colgate-Palmolive Co. v. Carter-Wallace, Inc.*, 167 U.S.P.Q. 529 (C.C.P.A. 1970) ("PEAK PERIOD" for personal deodorant does not so resemble "PEAK" for a dentifrice that confusion is likely).

Applicant respectfully submits that there is no likelihood of confusion in this instance because:

(a) Applicant's goods and services differ from those offered in connection with the Cited Registrations, are offered to distinct consumer bases, and are chosen by sophisticated consumers exercising a high degree of care, all obviating a finding of likelihood of confusion;

(b) the Cited Registrations currently coexist on the Principal Register with each other and with multiple other similar “CHAMPIONS” marks, including multiple “CHAMPIONS” marks owned by Applicant, demonstrating a narrow scope of protection for the Cited Registrations;



(c) Applicant’s **CHAMPIONS** mark is distinct from and creates a unique and differing commercial impression when compared with the Cited Registrations; and

(d) Applicant’s ownership and widespread use of its various CHAMPIONS marks is well known among relevant consumers, further obviating a likelihood of confusion.

A. Confusion is Obviated Because Applicant and Cited Registrants’ Goods and/or Services (i) Are Not Related, (ii) Are Offered to Different Consumer Bases, and (iii) Are Chosen by Sophisticated Consumers Exercising a High Degree of Care.

(i) Goods and/or Services Offered by Applicant and the Goods and/or Services Offered in Connection with the Cited Registrations Are Not Related.

Applicant and Cited Registrants’ goods and services are not related, as evidenced by the vastly divergent goods and services offered in connection with each mark. Moreover, Applicant’s goods and services are offered to distinct consumer bases, and are chosen by sophisticated consumers exercising a high degree of care, all obviating a finding of likelihood of confusion.



Applicant’s **CHAMPIONS** mark is used by Applicant, the nation’s largest early childhood and school-age education and care provider, in connection with its CHAMPIONS

division, which offers a variety of CHAMPIONS enrichment and educational services initiatives at more than 650 sites in 20 states, serving nearly 55,000 students. In connection with its CHAMPIONS marks, Applicant offers an unsurpassed range of turnkey enrichment and educational services for children in partnership with schools and school districts. The goal of the CHAMPIONS initiative is to inspire the love of learning through engaging programs that connect students with the educational goals of student's schools. *See* Exhibit B. It is these services and the goods related to such services, namely printed instructional, educational, and



teaching materials that are affiliated with Applicant's **CHAMPIONS** mark.



The goods offered in connection with Applicant's **CHAMPIONS** mark are quite distinct from those offered in connection with U.S. Registration No. 3,081,076 for CHAMPIONS, owned by Boy Scouts of America, and which is for "printed educational curricula materials sold to professionals in the field of education, namely, lesson plan books and wall charts designed for and used specifically in special needs classrooms for students with mental disabilities, to teach children with special needs the life skills they need to achieve self sufficiency". These goods are specifically focused on special needs classrooms and students with mental disabilities. As shown in the attached exhibit, the CHAMPIONS mark found in U.S. Registration No. 3,081,076 is used by Learning for Life, a subsidiary of the Boy Scouts of America, and is focused on "Serving Youth with Special Needs". *See* Exhibit C. The goods



provided in connection with Applicant's **CHAMPIONS** mark are not specifically designed for or used specifically in special needs classrooms for students with mental disabilities and are

not focused on teaching children with special needs the life skills they need to achieve self-sufficiency. Therefore the goods provided in connection with the respective marks are clearly distinct.

Applicant's services also differ from the products offered in connection with U.S. Registration No. 3,276,187 for CHAMPION, owned by JPMorgan Chase Bank, N.A., for "pre-recorded audio video tapes, audio cassettes and DVD's featuring instruction and information on the fields of health, exercise, nutrition, sports, diet, sport fashion and lifestyle". Applicant offers



printed materials in connection with its **CHAMPIONS** mark. Applicant does not offer pre-recorded audio video tapes, audio cassettes and DVD's and Applicant's goods do not feature instruction and information on the fields of health, exercise, nutrition, sports, diet, sport fashion and lifestyle. In fact, U.S. Registration No. 3,276,187 for CHAMPION is for International Class



9, while Applicant's **CHAMPIONS** application is for International Class 16 and International Class 41.

With regard to U.S. Registration No. 3,310,829 for CHAMPIONS ACADEMY, owned by Champions Academy, Inc., for "conducting workshops and seminars in basketball skills; Training services in the field of basketball skills", Applicant submits that these services are related specifically to basketball and of such a completely different nature from Applicant's services that consumers will not be confused as to their origin. As shown on the Cited Registrant's webpage, "CHAMPIONS ACADEMY" is a basketball training academy offering very distinct services when compared with the Applicant's educational and child care related services, which are in no way related to basketball skills training. *See Exhibit D.*

With regard to U.S. Registration No. 3,925,825 for the mark LITTLE CHAMPIONS, owned by Shaping Champions LLC, for “physical education for children, namely, providing specialized workout programs and skills classes”, Applicant submits that these services are focused on providing specialized workout programs and skills classes to children. Applicant’s services are not focused on providing specialized workout programs in connection with its



CHAMPIONS mark and therefore the services offered by the respective marks are distinct.

(ii) Applicant and Cited Registrants’ Goods and/or Services Are Offered to Different Consumer Bases.

The consumer base for the goods and services associated with Applicant’s mark



CHAMPIONS is distinct from the consumer base for the goods and services offered in connection with the Cited Registrants’ marks because the goods and services provided by Applicant are aimed at customers that are either parents of children that are seeking school affiliated educational services for their children or school administrators looking specifically to partner with Applicant to provide students with a wide range of educational services.

In contrast, none of the goods or services offered in connection with the Cited Registrants’ marks are specifically focused on school partnership provided educational services.

The consumer base for the CHAMPIONS mark in U.S. Registration No. 3,081,076, owned by Boy Scouts of America, is clearly education professionals seeking lesson plans and other goods specifically designed for and used specifically in special needs classrooms for students with mental disabilities. This consumer base differs from Applicant’s consumer base in that these goods are not geared toward parents of children that are seeking school affiliated

educational services for their children or school administrators looking specifically to partner with Registrant to provide students with a wide range of educational services.

The consumer base for the “pre-recorded audio video tapes, audio cassettes and DVD's featuring instruction and information on the fields of health, exercise, nutrition, sports, diet, sport fashion and lifestyle” offered in connection with U.S. Registration No. 3,276,187 for CHAMPION, is comprised of individuals interested in purchasing exercise programs. This consumer base differs from Applicant’s consumer base in that these goods are not geared toward parents of children that are seeking school affiliated educational services for their children or school administrators looking specifically to partner with Registrant to provide students with a wide range of educational services.

With regard to U.S. Registration No. 3,310,829 for CHAMPIONS ACADEMY for “conducting workshops and seminars in basketball skills; Training services in the field of basketball skills”, these services are clearly targeted at consumers looking for basketball skills coaching and training. This consumer base differs from Applicant’s consumer base in that these services are not geared toward parents of children that are seeking school affiliated educational services for their children or school administrators looking specifically to partner with Registrant to provide students with a wide range of educational services.

With regard to U.S. Registration No. 3,925,825, LITTLE CHAMPIONS for “physical education for children, namely, providing specialized workout programs and skills classes”, these services are clearly targeted at consumers looking for specialized children’s workout and skills programs and classes. This consumer base differs from Applicant’s consumer base in that these services are not geared toward parents of children that are seeking school affiliated

educational services for their children or school administrators looking specifically to partner with Registrant to provide students with a wide range of educational services.



It is clear that the consumer base related to Applicants **CHAMPIONS** mark is distinct when compared with the consumer base related to the goods and services provided in connection with the Cited Registrations. There is therefore unlikely to be any confusion among consumers as between the good and services offered in connection with Applicant's **CHAMPION** mark and the goods and services offered in connection with the Cited Registrants' marks.

(iii) Applicant's Services Are Chosen by Sophisticated Consumers Exercising a High Degree of Care.

Consumer sophistication and the high degree of care exercised by consumers in deciding to choose the educational goods and services provided by Applicant in connection with its



CHAMPIONS mark obviates the likelihood of confusion between Applicant's



CHAMPIONS mark and the Cited Registrants' marks.

Consumers seeking to enroll their school age children in special educational programs which are provided outside of their child's normal school day must commit the time and energy to learn about such programs. Such parents are sophisticated precisely because they invest time and energy in researching these services that directly impact upon the educational development of their child. Furthermore, such parents must pay money to enroll their child in any of Applicant's educational programs. School administrators interested in partnering with Applicant

are similarly sophisticated and must also commit significant time and energy to learn about such programs and to ascertain whether Applicant is an appropriate partner based on the goods and services provided by Applicant. Such highly sophisticated consumers are not likely to confuse Applicant's mark with the Cited Registrations and the very different products and services offered in connection with such marks.

Consumers seeking to purchase and partake in, or partner with, any program related to the educational development of their child, or children in general, will exercise a high degree of care considering the cost of such services and the potential negative consequences on a child of choosing the wrong services. It is therefore clear that consumers will exercise a great deal of care in choosing Applicant's goods and services.

Moreover, because of the special nature of the goods offered in connection with cited U.S. Registration No. 3,081,076 or CHAMPIONS, which are "designed for and used specifically in special needs classrooms" and explicitly geared toward "professionals in the field of education", consumers of such goods are similarly sophisticated and exercise an elevated degree of care in choosing such goods

With regard to the "pre-recorded audio video tapes, audio cassettes and DVD's featuring instruction and information on the fields of health, exercise, nutrition, sports, diet, sport fashion and lifestyle" offered in connection with U.S. Registration No. 3,276,187 for CHAMPION, the "...workshops and seminars in basketball skills; Training services in the field of basketball skills" offered in connection with U.S. Registration No. 3,310,829 for CHAMPIONS ACADEMY, and the "physical education for children, namely, providing specialized workout programs and skills classes" offered in connection with U.S. Registration No. 3,925,825 for LITTLE CHAMPIONS, potential purchasers will also exercise a high degree in evaluating the

effectiveness and safety of these health and personal fitness related goods and services. This is because consumers seeking to purchase and partake in any program related to their health and personal fitness are relatively sophisticated and will exercise a high degree of care considering the potential negative health consequences of choosing the wrong product. This is particularly the case with regard to any goods or services related to the health and wellness of children such as the services offered in connection with U.S. Registration No. 3,925,825 for LITTLE CHAMPIONS.

Thus, the significant differences in the goods and services associated with Applicant's



CHAMPIONS mark and the goods and services in the Cited Registrations, the distinct consumer bases, and the heightened degree of care exercised by sophisticated consumers, make confusion unlikely to occur. In determining relatedness of the goods and services associated with the respective marks, one must assess whether consumers would believe they emanated from a like source. *See Homeowners Group Inc. v. Home Marketing Specialists Inc.*, 18 U.S.P.Q.2d 1587, 1594 (6th Cir. 1991) (holding that "relatedness exists where goods and services are similar enough that a consumer could 'easily assume' that they were offered by the same source"). For the reasons described above, consumers here simply would not expect that



the goods and services associated with Applicant's **CHAMPIONS** mark would be provided by the Cited Registrants nor that Cited Registrants would provide the goods and services provided by Applicant.

B. The Cited Registrations are Entitled to a Narrow Scope of Protection Because They Already Coexist With Each Other and With Numerous Other “CHAMPION” Marks.

The Cited Registrations for the identical mark CHAMPION already coexist with each other on the Principal Register for similar goods and services in International Class 16 and International Class 41.

For ease of comparison, the following identifies the goods and services in the Cited Registrations:

- U.S. Registration No. 3,081,076 for CHAMPIONS, owned by Boy Scouts of America for “printed educational curricula materials sold to professionals in the field of education, namely, lesson plan books and wall charts designed for and used specifically in special needs classrooms for students with mental disabilities, to teach children with special needs the life skills they need to achieve self sufficiency” in International Class 16;
- U.S. Registration No. 3,276,187 for CHAMPION, owned by JPMorgan Chase Bank, N.A. for “pre-recorded audio video tapes, audio cassettes and DVD's featuring instruction and information on the fields of health, exercise, nutrition, sports, diet, sport fashion and lifestyle” in International Class 9;
- U.S. Registration No. 3,310,829 for CHAMPIONS ACADEMY, owned by Champions Academy, Inc. for “conducting workshops and seminars in basketball skills; Training services in the field of basketball skills” in International Class 41;
- U.S. Registration No. 3,567,022 for CHAMPIONS, owned by Good Sports Plus Ltd. for “education services, namely, providing after-school enrichment in the form of classes in the arts, homework help, athletic programs, and outdoor education activities including hiking, camping, mountain biking, kayaking, rock climbing, teambuilding and orienteering” in International Class 41 (THIS MARK HAS BEEN CANCELLED SINCE THE DATE THAT THE OFFICE ACTION WAS ISSUED); and
- U.S. Registration No. 3,925,825, LITTLE CHAMPIONS, owned by Shaping Champions LLC for “physical education for children, namely, providing specialized workout programs and skills classes” in International Class 41.





The fact that these four marks can coexist on the Principal Register for similar goods and services supports a finding that those marks are entitled to only a narrow scope of protection. As such, Applicant’s CHAMPIONS & Design mark can similarly coexist on the Principal Register.


In addition, the coexistence of the Cited Registrations with other similar marks on the Principal Register, including several marks that are owned by Applicant, and each of which incorporate the word “CHAMPION”, and for similar goods or services, further supports a finding that the Cited Registrations are entitled to a narrow scope of protection, and that there is no likelihood of confusion here. The following chart provides an example of such marks:

Trademark	Status/Status Date	Brief Goods/Services	Owner	Ser./Reg./App. No.
A1C CHAMPIONS	Registered 8 & 15 February 10, 2011	(Int'l Class: 16) Newsletters, brochures, and printed instructional, educational, and teaching materials in the field of diabetes (Int'l Class: 41) Conducting educational programs concerning diabetes (Int'l Class: 44) Providing health information, namely, information about diabetes, by means of a web site	Aventis Pharmaceuticals, Inc. (Delaware Corp.) 55 Corporate Drive Bridgewater, New Jersey 08807	SN:78-149117 RN:2,924,098
ACADEMY OF CHAMPIONS ACADEMY OF CHAMPIONS	Registered April 27, 2010	(Int'l Class: 41) Entertainment services, namely, providing an on-line computer game for others over global and local area computer networks and providing information on-line relating to computer games, video games and computer and video games related products and entertainment services in the nature...	Ubisoft Entertainment (France Corp.) 107 Avenue Henri Freville Rennes 35200 France	SN:77-661873 RN:3,782,401
AGE OF CHAMPIONS AGE OF CHAMPIONS	Registered April 5, 2011	(Int'l Class: 9) Electronic game programs; downloadable electronic game programs; electronic game software; computer game programs; downloadable computer game programs; interactive game	Klicknation Corporation (California Corp.) 1015 20th Street Sacramento, California 95811	SN:85-097431 RN:3,940,473

Trademark	Status/Status Date	Brief Goods/Services	Owner	Ser./Reg./App. No.
		programs;... (Int'l Class: 41) Entertainment services, namely, providing on-line computer games		
BUILDING CHAMPIONS	Registered 8 & 15 March 15, 2008	(Int'l Class: 41) Educational services, namely, conducting individual and group training, teaching and mentoring sessions by telephone, e-mail, and personal appearances in the field of self-improvement and job performance, including the distribution of course materials in connection therewith	Building Champions, Inc. (Oregon Corp.) 5285 Sw Meadows Rd, Ste 420 Lake Oswego, Oregon 97035	SN:76-008451 RN:2,622,915
CAMPEON DE CAMPEONES CAMPEÓN DE CAMPEONES	Registered December 27, 2011	(Int'l Class: 41) Educational services in the nature of soccer schools and camps; education and entertainment services in the nature of soccer games, matches, and exhibitions; providing sports and entertainment information via the internet or a commercial on-line service; fan club services; arranging...	Federacion Mexicana De Futbol Asociacion, A.C. (Mexico Asociacion Civil (A.C.)) Colima #373, Colonia Roma Norte Mexico City 06700 Mexico	SN:85-155247 RN:4,076,043
CHAMPION EYES CHAMPION EYES	Registered December 16, 2008	(Int'l Class: 41) Martial arts instruction; operating of martial arts' schools; physical fitness instruction and training services	Champion Eyes Martial Arts, LLC (Delaware Limited Liability Company) 3700 Oceanic Way, Suite 102 Oceanside, California 92056	SN:77-460541 RN:3,546,524
CHAMPION FOR EMPOWERMENT & OPPORTUNITY	Registered November 28, 2006	(Int'l Class: 41) Educational and charitable services, namely, career counseling, vocational guidance, vocational and academic mentoring, conducting workshops and seminars in self-awareness, personal awareness and economic awareness for motherhood and life endeavors, development and dissemination of educational materials for school age children	Basnight, Elisa M.T. (United States Citizen) 244 Fifth Avenue, Box E288 C/O Girls Action Network, Inc. New York, New York 10001	SN:78-318176 RN:3,175,963
CHAMPION LACROSSE CHAMPION LACROSSE	Registered November 18, 2008	(Int'l Class: 41) Sport camps; instruction in the field of lacrosse; education services, namely, providing classes in the field of lacrosse; organisation of sports competitions; amateur youth sports services, namely,	Premier Sports Group, Inc. (Michigan Corp.) 30700 Telegraph Road, Suite 3655 Bingham Farms, Michigan 48025	SN:77-439328 RN:3,533,733

Trademark	Status/Status Date	Brief Goods/Services	Owner	Ser./Reg./App. No.
		organizing, providing and managing youth sports activities; entertainment in the nature of lacrosse...		
CHAMPION LEARNING CENTER and Design 	Registered June 17, 2008	(Int'l Class: 41) Educational services, namely, individualized one-on-one in-home tutoring in the fields of reading, mathematics, writing, study skills, college admission examination test preparation and secondary school test preparation for middle school and high school students	Champion Learning Center, LLC (New York Limited Liability Company) 1211 Park Avenue New York, New York 10128	SN:78-971089 RN:3,449,583
CHAMPION OF IDEAS CHAMPION OF IDEAS	Registered June 7, 2011	(Int'l Class: 16) Educational kits sold as a unit in the field of reading, writing and understanding the english language consisting primarily of educational books and also including an educational cd-rom; printed materials, namely, workbooks, worksheets and charts for testing and assessing the...	Educational Ideas, Inc., Db a Ballard & Tighe (California Corp.) 471 Atlas Street Brea, California 92821	SN:85-119804 RN:3,973,326
CHAMPIONS	Renewed August 1, 2010	(Int'l Class: 41) Educational services, namely, offering instruction on the kindergarten and the elementary school levels (Int'l Class: 42) Child care services and before and after school extended day care services	Knowledge Universe Education LLC (Delaware Limited Liability Company) 650 NE Holladay Street Portland, Oregon 97232	SN:75-300603 RN:2,373,235
CHAMPIONS Champions	Registered November 1, 2011	(Int'l Class: 10) Dental instruments and appliances, namely, dental implants, dentures; and dental settings, namely, dental crowns and inlays (Int'l Class: 41) Educational services, namely, conducting classes and programs in the field of dentistry; practical advice, namely, practical training in the field... (Int'l Class: 44) Medical services; dental services, namely, dental implant surgical services	Nedjat, Dr. Armin (Germany Citizen) Bornheimer Landstrasse 8 Flonheim D-55237 Germany	SN:77-466023 RN:4,049,571
CHAMPIONS and Design	Renewed November 3, 2008	(Int'l Class: 41) Martial arts instruction and entertainment in the nature of martial arts tournaments	Champions, Karate Academy LTD. (Canada Corp.) 125 East 1St. North Vancouver V7I 1B2	SN:75-044553 RN:2,201,710

Trademark	Status/Status Date	Brief Goods/Services	Owner	Ser./Reg./App. No.
			Canada	
CHAMPIONS and Design 	Registered February 10, 2009	(Int'l Class: 41) Educational services, namely, providing courses of instruction at the pre-school and primary levels; and summer recreational camps (Int'l Class: 43) Child care services and before and after school extended day care services	Knowledge Universe Education LLC (Delaware Limited Liability Company) 650 NE Holladay Street Portland, Oregon 97232	SN:78-961449 RN:3,574,177
CHAMPIONS and Design 	Registered July 13, 2010	(Int'l Class: 41) Organizing and managing youth baseball and softball activities	Pony Baseball, Inc. (Pennsylvania Non-Profit Corporation) P.O. Box 225 1951 Pony Place Washington, Pennsylvania 15301	SN:77-715352 RN:3,819,441
CHAMPIONS APPRAISAL SCHOOL <small>CHAMPIONS APPRAISAL SCHOOL</small>	Registered May 15, 2007	(Int'l Class: 41) Educational services, namely providing classroom and correspondence courses, seminars and workshops for pre-licensing, post-licensing, and continuing education of property appraisers	Champions School of Real Estate, LTD., Champions School of Real Estate GP, a Texas Limited Liability Company (Texas LTD. Partnership) Suite 100 5627 Fm 1960 W Houston, Texas 77069	SN:78-929505 RN:3,242,164
CHAMPIONS ARE READERS <small>CHAMPIONS ARE READERS</small>	Registered 8 & 15 January 18, 2012	(Int'l Class: 41) Educational services, namely, conducting literacy programs	Pi Beta Phi Fraternity (Illinois Non-Profit Corporation) 1154 Town & Country Commons Dr. Town & Country, Missouri 63017	SN:78-698340 RN:3,176,470
CHAMPIONS ARE READERS and Design 	Registered July 24, 2007	(Int'l Class: 41) Educational services, namely, conducting literacy programs	Pi Beta Phi Fraternity (Illinois Non-Profit Corporation) 1154 Town & Country Commons Dr. Town & Country, Missouri 63017	SN:77-005717 RN:3,267,334
CHAMPIONS CREATING	Registered April 25, 2006	(Int'l Class: 41) Educational services, namely providing	Visa U.S.A. Inc. (Delaware Corp.)	SN:78-172961 RN:3,086,042

Trademark	Status/Status Date	Brief Goods/Services	Owner	Ser./Reg./App. No.
CHAMPIONS		instructional, motivational, outreach and mentoring programs in connection with a youth athletic mentoring program; entertainment services, namely organizing sports activities	900 Metro Center Boulevard M1-11A Foster City, California 94404	
CHAMPIONS IN LIFE	Renewed July 20, 2009	(Int'l Class: 16) [Printed matter, namely, brochures and newsletters relating to a sports outreach program] (Int'l Class: 41) Educational services, namely, conducting workshops and seminars which focus on starting and enhancing youth sports programs	United States Olympic Committee (United States Congressionally Chartered Corporation) One Olympic Plaza Colorado Springs, Colorado 80909	SN:75-243830 RN:2,261,887
CHAMPIONS OF CARING	Registered 8 & 15 June 30, 2008	(Int'l Class: 41) Educational services, namely conducting seminars and conferences in the fields of volunteerism, public service, social justice, youth leadership, public speaking, grant making and grant writing; conducting awards ceremonies to recognize achievements in volunteerism, public services, social justice, youth leadership, and...	Champions of Caring (Pennsylvania Corp.) P.O. Box 568 Bala Cynwyd, Pennsylvania 19004	SN:76-215682 RN:2,653,539
CHAMPIONS OF CHARACTER Champions of Character	Registered November 7, 2006	(Int'l Class: 41) Educational program to encourage respect, responsibility, integrity, servant leadership and sportsmanship among the participants and spectators of athletic competition	National Association of Intercollegiate Athletics (Missouri Corp.) 23500 W. 105th Street Olathe, Kansas 66061	SN:78-521672 RN:3,167,470
CHAMPIONS... GO ONE BETTER! and Design 	Registered February 10, 2009	(Int'l Class: 41) Educational services, namely, providing courses of instruction at the pre-school and primary levels; and summer recreational camps (Int'l Class: 43) Child care services and before and after school extended day care services	Knowledge Universe Education LLC (Delaware Limited Liability Company) 650 NE Holladay Street Portland, Oregon 97232	SN:78-961753 RN:3,574,179
ECHAMPION	Registered 8 & 15 March 26, 2011	(Int'l Class: 41) Training and education, namely, providing classes and on-line classes in process improvement, process management, business performance, and business management methodologies,	Bmgi Corporation (Delaware Corp.) 1921 Corporate Center Circle 3F Longmont, Colorado 80501	SN:78-378173 RN:2,933,205

Trademark	Status/Status Date	Brief Goods/Services	Owner	Ser./Reg./App. No.
		techniques, processes, and ideas, and development, research, design and improvement with respect to such methodologies, techniques, processes, and ideas, as...		
THE CAMP OF CHAMPIONS	Registered 8 Accepted September 14, 2011	(Int'l Class: 41) Sports training camps, namely, snowboarding training camps and skiing training camps	Snoboard Shop Inc., The (Canada Corp.) 8629 Drifter Way Whistler V0n 2B8 British Columbia	SN:75-783815 RN:2,932,171

Applicant submits that given the number of coexisting CHAMPION marks for goods and



services in International Class 16 and International Class 41, Applicant's **CHAMPIONS** mark can similarly coexist on the Principal Register without invoking a likelihood of confusion among consumers.



C. Applicant's CHAMPIONS Mark is Distinct From and Creates a Unique Commercial Impression When Compared with the Marks in the Cited Registrations.



Applicant respectfully submits that its **CHAMPIONS** mark sufficiently differs in appearance, meaning and commercial impression from the Cited Registration for CHAMPIONS (U.S. Registration No. 3,081,076), CHAMPION (U.S. Registration No. 3,276,187), for CHAMPIONS ACADEMY (U.S. Registration No. 3,310,829), and for LITTLE CHAMPIONS (U.S. Registration No. 3,925,825), that confusion is unlikely. It is well-settled that when comparing marks for confusing similarity, the marks must be considered in their entirety. As stated by the Federal Circuit in *Mr. Hero Sandwich Systems, Inc. v. Roman Meal Co.*, 228

U.S.P.Q. 364, 366 (Fed. Cir. 1986): “The basic principle in determining confusion between marks is that marks must be compared in their entireties and must be considered in connection with the particular goods or services for which they are used.” Quoting *In re Nat'l Data Corp.*, 753 F.2d 1056, 1058, 224 U.S.P.Q. 749, 750 (Fed. Cir. 1985); *Accord, Massey Junior College, Inc. v. Fashion Institute of Technology*, 181 U.S.P.Q. 272, 273-74 (C.C.P.A. 1974); and *In re 1776, Inc.*, 223 U.S.P.Q. 186, 187 (T.T.A.B. 1984).

Elements that distinguish marks in both appearance and sound must be considered in the likelihood of confusion analysis. In *In re Hearst Corp.*, 982 F.2d 493, 25 U.S.P.Q.2d 1238 (Fed. Cir. 1992), the court, finding no likelihood of confusion between VARGA GIRL and VARGAS both for calendars with pictures by the artists Alberto Vargas, stated:

Marks tend to be perceived in their entireties, and all components thereof must be given appropriate weight When GIRL is given fair weight, along with VARGA, confusion with VARGA becomes less likely.



Here, when comparing Applicant's **CHAMPIONS** mark with each of the Cited Registrations, Applicant respectfully submits that each of the Cited Registrations differs significantly in appearance and commercial impression when compared with Applicant's



CHAMPIONS mark and that therefore the similarities between the marks are overshadowed by the distinctions.

The Cited Registrations are simple word marks with no design feature. In contrast,



Applicant's **CHAMPIONS** mark is a design mark featuring a prominent abstract design that

appears to show three human figures jumping or playing with arms and legs outstretched, and which is placed to the left and just above the left side of the word “CHAMPIONS”, which is spelled in capital letters and presented in a gray colored font. All of these design elements are wholly absent from the Cited Registrations, which are simple word marks. Therefore,



Applicant’s **CHAMPIONS** mark differs significantly in appearance and creates a very different commercial impression when compared with the simple word marks of the Cited Registrations.



Consumers viewing Applicant’s **CHAMPIONS** mark are immediately impressed by the design featuring the prominent abstract design that appears to show three human figures jumping or playing with arms and legs outstretched. The simple word marks in the Cited Registrations do not create similar impressions. Therefore the initial impressions are wholly distinct from one another and lead consumers to distinct first impressions such that there is no likelihood of confusion.

Moreover, in addition to the fact that U.S. Registration No. 3,276,187 for CHAMPION, U.S. Registration No. 3,310,829 for CHAMPIONS ACADEMY, and U.S. Registration No. 3,925,825, LITTLE CHAMPIONS, do not include a design element, each differs in appearance,



sound, meaning, connotation and commercial impression from Applicant’s **CHAMPIONS** mark because the word elements of each mark are different.

With regard to U.S. Registration No. 3,276,187 for CHAMPION, this mark is the singular form of the plural CHAMPIONS word element of Applicant’s mark. In addition to the

differences in appearance, the mark is different in meaning and connotation as the Cited Registration connotes one single CHAMPION while applicants mark connotes a group of CHAMPIONS. Therefore the marks are distinct from one another in appearance, sound, meaning, connotation and commercial impression such that there is no likelihood of confusion.

With regard to U.S. Registration No. 3,310,829 for CHAMPIONS ACADEMY, this



mark includes the word ACADEMY, which is wholly absent in Applicant's **CHAMPIONS** mark. In addition to the differences in appearance, the mark is different in meaning, connotation and commercial impression as the word "ACADEMY" in the Cited Registration creates a



distinct mark when compared with Applicant's **CHAMPIONS** mark. Therefore the marks are distinct from one another in appearance, sound, meaning, connotation and commercial impression such that there is no likelihood of confusion.

With regard to U.S. Registration No. 3,925,825, LITTLE CHAMPIONS, this mark



includes the word LITTLE, which is wholly absent in Applicant's **CHAMPIONS** mark. In addition to the differences in appearance, the mark is different in meaning, connotation and commercial impression as the word "LITTLE" in the Cited Registration creates a distinct mark



when compared with Applicant's **CHAMPIONS** mark. Therefore the marks are distinct from one another in appearance, sound, meaning, connotation and commercial impression such

that there is no likelihood of confusion with each of the Cited Registrations, Applicant respectfully submits that the similarities between the marks are overshadowed by the distinctions.

As described above, each of the Cited Registrations is distinct from Applicant's



CHAMPIONS mark in appearance, meaning, connotation and commercial impression such that there is no likelihood of confusion.

D. Applicant's Ownership and Widespread use of its Various CHAMPIONS Marks is Well Known Among Relevant Consumers, Further Obviating a Likelihood of Confusion.

Applicant has used the CHAMPIONS mark prominently, substantially, exclusively and continuously in connection with its educational and child care services for more than twenty years, since as early as 1988. Moreover, Applicant's use and registration of its CHAMPIONS mark pre-dates the use and registration of all but one of the Cited Registrants' marks.

Applicant's registrations for the CHAMPIONS marks for educational and/or child care services include the marks "CHAMPIONS", "CHAMPIONS...GO ONE BETTER", "CHAMPIONS EXTENDED LEARNING", "CHAMPIONS ACADEMY", "CHAMPIONS SCIENCE ADVENTURES". See Exhibit A. Applicant's long-standing reputation in the field of education and child care, and its association for more than twenty years with its widely used family of "CHAMPIONS" marks for educational and child care services, sets Applicant apart from the Cited Registrants such that consumers associate Applicant with educational and child care services, and already associate the word "CHAMPIONS" with these particular services offered by Applicant. Such striking consumer recognition of Applicant as a provider of

educational and child care services allows consumers to easily distinguish Applicants CHAMPIONS mark from those of the Cited Registrations and recognize Applicant as the source of the goods and services affiliated with Applicant's CHAMPIONS mark.

CONCLUSION

In view of the foregoing, Applicant respectfully requests that the Examining Attorney remove the refusal to register and approve the application for publication and, in due course, registration.

Respectfully submitted,



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