

ESTTA Tracking number: **ESTTA813181**

Filing date: **04/12/2017**

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	University of Richmond
Granted to Date of previous extension	04/15/2017
Address	202 Maryland Hall University of Richmond Richmond, VA 23173 UNITED STATES

Attorney information	Andriana S. Daly McGuireWoods LLP 800 East Canal Street Richmond, VA 23219 UNITED STATES adaly@mcguirewoods.com, trademarks@mcguirewoods.com
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Applicant Information

Application No	87177084	Publication date	02/14/2017
Opposition Filing Date	04/12/2017	Opposition Period Ends	04/15/2017
Applicant	Spiderfit, Inc. 10646 Ranch View Drive San Diego, CA 92131 UNITED STATES		

Goods/Services Affected by Opposition

Class 041. First Use: 2013/05/31 First Use In Commerce: 2013/05/31


All goods and services in the class are opposed, namely: Education services, namely, providing on-line courses in the field of training educators in the nature of youth physical development; Education services, namely, training educators in the field of youth physical development and providing curricula in connection therewith; Educational services, namely, providing training of educators for certification in the field of youth physical development; Production and distribution of videos in the field of training and certifying educators in the nature of youth physical development; Providing education courses in the field of youth physical development offered through online, non-downloadable videos and instructor assistance; Providing information relating to education services for children

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
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Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	2917573	Application Date	02/05/2004
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Registration Date	01/11/2005	Foreign Priority Date	NONE
Word Mark	SPIDERS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 1897/05/31 First Use In Commerce: 1897/05/31 Entertainment services, namely conducting athletic events		

Related Proceedings	In re Application Serial No. 87/177,075
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Attachments	78362905#TMSN.png(bytes) Notice of Opposition - SPIDERFIT w EXHIBITS.pdf(970553 bytes)
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Signature	/Andriana S. Daly/
Name	Andriana S. Daly
Date	04/12/2017

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

In re Application of: **Spiderfit, Inc.**
Serial No.: **87/177,084**
Filed: **September 20, 2016**
Mark: **SPIDERFIT**
Published: **February 14, 2017**

The University of Richmond,)	
)	
Opposer,)	
)	
v.)	Opposition No.
)	
Spiderfit, Inc.,)	
)	
Applicant.)	

NOTICE OF OPPOSITION

1. Spiderfit, Inc. (“Spiderfit”) is a California Corporation doing business at 10646 Ranch View Drive, San Diego, California 92131.
2. Spiderfit seeks to register the word mark SPIDERFIT (the “SPIDERFIT Mark”) in International Class 41 for education services relating to youth physical development. *See* U.S. Trademark Application Serial No. 87/177,084 (the “Application”).
3. The University of Richmond (the “University”) is a Virginia corporation with its principal place of business at 28 Westhampton Way, Maryland Hall, Suite 200, University of Richmond, Virginia 23173.
4. The University would be damaged by registration of the SPIDERFIT Mark, and therefore opposes registration under 15 U.S.C. § 1063.

5. Pursuant to Trademark Rule 2.102, the University obtained an extension of time for filing a Notice of Opposition against registration of the SPIDERFIT Mark up to and including April 15, 2017.¹

The University and its SPIDERS Marks

6. The University is a nationally-ranked private liberal arts university in Richmond, Virginia, which was established in 1830.

7. The University's academic programs have garnered acclaim from the *Princeton Review*, *Newsweek*, *The Fiske Guide to Colleges*, *Forbes*, and *Bloomberg BusinessWeek*, among other publications. Indeed, *U.S. News & World Report* has ranked the University number 25 among the nation's Best Liberal Arts Colleges.

8. In addition to its many academic programs, the University offers a variety of educational and instructional courses and programs in the field of fitness and wellness. For example and without limitation, the University offers day camps for children that are directed toward, among other things, developing knowledge and leadership skills, introducing children to healthy behaviors and recreational activities, and promoting an active lifestyle; lessons in sports and games such as golf and stand up paddleboarding; personal training courses and certifications; mediation and stress management courses; classes in nutrition and other aspects of healthy aging; and classes in activities such as pilates, yoga, tai chi, and swimming

9. The University also offers 17 varsity sports at the Division I level, 32 sport clubs, and a host of intramural athletics and recreational programs.

10. The University's Division I athletics programs have received national media attention.

¹ The University's April 15, 2017 deadline to oppose the SPIDERFIT Mark extends to the next business day, April 17, 2017, under Trademark Rules 2.116 and 2.196.

11. Since 1897, the University has used a spider mascot for its sports teams.

12. As of the filing of this Notice of Opposition, the University is the only college or university in the United States that uses a spider mascot for its sports teams.

13. For over 115 years, the University has used the trademark and service mark SPIDERS (the “SPIDERS Mark”) continuously in interstate commerce for goods and services related to education and athletics.

14. The University has obtained several federal trademark registrations to protect its longstanding rights in the SPIDERS Mark. For example, the SPIDERS Mark is registered in International Class 41 for “[e]ntertainment services, namely conducting athletic events.” Ex. A, U.S. Registration No. 2,917,573. The SPIDERS Mark also is registered in International Classes 16 for a decals, stationary, and the like, and in International Class 25 for a variety of apparel items. *See* U.S. Registration Nos. 2,947,873 & 2,917,574.

15. In addition to the SPIDERS Mark, the University has used the following spider design mark (the “UR Spider Design Mark”) continuously in interstate commerce for nearly 20 years:



See U.S. Registration No. 2,665,931.

16. The University has obtained a federal trademark registration to protect its rights in the UR Spider Design Mark. *See* U.S. Registration No. 2,665,931. The UR Spider Design Mark is registered in International Class 41 for “[e]ntertainment services, namely, conducting

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