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BUSINESS • CORPORATE • REAL ESTATE • EMPLOYMENT LAW  
INTELLECTUAL PROPERTY LAW  
CORRESPONDING TRIALS & APPEALS  
www.thewalkerlawfirm.com

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June 5, 2003

**VIA FEDERAL EXPRESS**

**BOX TTAB FEE**

Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202



06-06-2003

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #39

Re: **FILING AND FEE OF INTER PARTES PROCEEDING**  
Opposer: Riverside County's Credit Union  
Applicant: The Seibels Bruce Group, Inc.  
Applicant's Serial No.: 76339023  
Our File: 2437-2

06 JUN 12 AM 9:30

Dear Sir or Madam:

Please find the following documents enclosed for the above-referenced inter partes proceeding:

- (1) original Notice of Opposition;
- (2) copy of Notice of Opposition for service on applicant;
- (3) Check No. 26650 for \$300.00 to cover the filing fee; and
- (4) a prepaid return postcard.

Please file these papers and initiate this proceeding, and acknowledge receipt by date stamping and returning the postcard.

Should you have any questions concerning this matter, please feel free to contact us at your convenience.

Sincerely,

THE WALKER LAW FIRM,  
A Professional Corporation

Allan H. Grant

Enclosures as Stated.  
cc: Client

1 JOSEPH A. WALKER, California State Bar No. 47223  
2 ALLAN H. GRANT, California State Bar No. 213658  
3 JASON MATTHEW LAMB, California State Bar No. 222191  
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11 Attorneys for Opposer, RIVERSIDE COUNTY'S CREDIT UNION

06-06-2003  
U.S. Patent & TMO/c/TM Mail Rcpt Dt. #39

12  
13 **IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
14 **BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

15 In the matter of Trademark Application Serial No. 76/339023  
16 For the mark "AUTOMOBILEXPERT"  
17 Published in the Official Gazette on April 8, 2003

18 RIVERSIDE COUNTY'S CREDIT UNION, a )  
19 California corporation )  
20  
21 Opposer, )  
22  
23 vs. )  
24  
25 THE SEIBELS BRUCE GROUP, INC., a )  
26 South Carolina corporation, )  
27  
28 Applicant. )

OPPOSITION NO.: \_\_\_\_\_  
Assigned to: \_\_\_\_\_

**NOTICE OF OPPOSITION**

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Opposer, RIVERSIDE COUNTY'S CREDIT UNION, a California Corporation, believes that it will be damaged by registration of the mark shown in United States Application No. 76/339023, and that it is likely to be damaged by continuance and registration of said application in the name of Applicant, THE SEIBELS BRUCE GROUP, INC., a South Carolina corporation, and hereby opposes registration of the mark "AUTOMOBILEXPERT".

/// 06/10/2003 SWILSON1 00000122 76339023  
/// 01 FC:6402 300.00 DP  
///

1 **AS GROUNDS FOR OPPOSITION, IT IS ALLEGED THAT:**

2 **GENERAL ALLEGATIONS**

3 1. Opposer, RIVERSIDE COUNTY'S CREDIT UNION (hereinafter, "Opposer"), at  
4 all times mentioned herein has maintained its principal place of business at 2847 Campus  
5 Parkway, Riverside, California 92507.

6 2. Opposer is the owner of United States Application No. *To Be Assigned*  
7 (hereinafter, "TBA"), an application for trademark registration pending before the United States  
8 Patent and Trademark Office (hereinafter, the "USPTO") for the mark "AUTO EXPERT" for  
9 "dealership service in the field of used vehicles, namely motor vehicles; computerized on-line  
10 ordering and retail services of motor vehicles; holding auctions and the auctioning of used  
11 motor vehicles" in International Class 35, and for "financing the purchase and leasing of  
12 vehicles, namely motor vehicles; underwriting and administration of insurance agreements,  
13 service agreements, prepaid maintenance agreements, and debt cancellation agreements, all  
14 related to motor vehicles" in International Class 36. Opposer filed said application on June 4,  
15 2003

16 3. Opposer is the owner of United States Application No. *TBA*, an application for  
17 trademark registration pending before the USPTO for the mark "AUTO EXPERT (DESIGN)"  
18 for "dealership service in the field of used vehicles, namely motor vehicles; computerized on-  
19 line ordering and retail services of motor vehicles; holding auctions and the auctioning of used  
20 motor vehicles" in International Class 35, and for "financing the purchase and leasing of  
21 vehicles, namely motor vehicles; underwriting and administration of insurance agreements,  
22 service agreements, prepaid maintenance agreements, and debt cancellation agreements, all  
23 related to motor vehicles" in International Class 36. Opposer filed said application on June 4,  
24 2003.

25 4. Opposer is the owner of United States Application No. 76/474719, an application  
26 for trademark registration pending before the USPTO for the mark "AUTO EXPERT  
27 BROKERS" for "dealership service in the field of used vehicles, namely motor vehicles;  
28 computerized on-line ordering and retail services of vehicles; holding auctions and the

1 auctioning of used vehicles” in International Class 35, and for “financing the purchase and  
2 leasing of vehicles, namely motor vehicles; underwriting and administration of insurance  
3 agreements, service agreements, prepaid maintenance agreements, and debt cancellation  
4 agreements, all related to motor vehicles” in International Class 36. Opposer filed said  
5 application on December 13, 2002.

6 5. Opposer is the owner of United States Application No. 76/474720, an application  
7 for trademark registration pending before the USPTO for the mark “AUTO EXPERT  
8 BROKERS OF AMERICA” for “dealership service in the field of used vehicles, namely motor  
9 vehicles; computerized on-line ordering and retail services of vehicles; holding auctions and  
10 the auctioning of used vehicles” in International Class 35, and for “financing the purchase and  
11 leasing of vehicles, namely motor vehicles; underwriting and administration of insurance  
12 agreements, service agreements, prepaid maintenance agreements, and debt cancellation  
13 agreements, all related to motor vehicles” in International Class 36. Opposer filed said  
14 application on December 13, 2002.

15 6. Opposer is the owner of United States Application No. 76/474755, an application  
16 for trademark registration pending before the USPTO for the mark “AUTO EXPERT  
17 BROKERS AUTO BUYING MADE EASY (DESIGN)” for “dealership service in the field of used  
18 vehicles, namely motor vehicles; computerized on-line ordering and retail services of vehicles;  
19 holding auctions and the auctioning of used vehicles” in International Class 35, and for  
20 “financing the purchase and leasing of vehicles, namely motor vehicles; underwriting and  
21 administration of insurance agreements, service agreements, prepaid maintenance  
22 agreements, and debt cancellation agreements, all related to motor vehicles” in International  
23 Class 36. Opposer filed said application on December 13, 2002.

24 7. Opposer is the owner of United States Application No. 76/474756, an application  
25 for trademark registration pending before the USPTO for the mark “AUTO EXPERT  
26 BROKERS OF AMERICA AUTO BUYING MADE EASY (DESIGN)” for “dealership service in  
27 the field of used vehicles, namely motor vehicles; computerized on-line ordering and retail  
28 services of vehicles; holding auctions and the auctioning of used vehicles” in International

1 Class 35, and for "financing the purchase and leasing of vehicles, namely motor vehicles;  
2 underwriting and administration of insurance agreements, service agreements, prepaid  
3 maintenance agreements, and debt cancellation agreements, all related to motor vehicles" in  
4 International Class 36. Opposer filed said application on December 13, 2002.

5 8. Opposer is the owner of a "Family of Marks" consisting of United States  
6 Application Nos.: 76/474719; 76/474720; 76/474755; and 76/474756, and the two applications  
7 filed June 4, 2003 for the marks "AUTO EXPERT" and "AUTO EXPERT (DESIGN)", all of  
8 which have a common identifying "surname" that denotes a trade source for the services  
9 provided by Opposer.

10 9. Applicant, THE SEIBELS BRUCE GROUP, INC. (hereinafter, "Applicant"), at all  
11 times mentioned herein has maintained its principal place of business at 1501 Lady Street,  
12 Post Office Box One, Columbia, South Carolina 29202.

13 10. On or about November 16, 2001, Applicant filed an application for federal  
14 registration of the mark "AUTOMOBILEXPERT" for "providing online insurance services,  
15 namely, providing online insurance premium quotes for automobile policies" in International  
16 Class 36. The USPTO assigned the application United States Application No. 76/339023.

17 11. Applicant filed United States Application No. 76/339023 on the basis of a bona  
18 fide intent to use the mark "AUTOMOBILEXPERT" in commerce under Section 1(b) of the  
19 Trademark Act (15 U.S.C. § 1051(b) (2003)).

20 12. On or about April 8, 2003, the USPTO published United States Application No.  
21 76/339023 for opposition in the Official Gazette.

22 13. Opposer is informed and believes, and on that information and belief alleges that  
23 Applicant has not filed with the USPTO an amendment to allege use under Section 1(c) of the  
24 Trademark Act (15 U.S.C. § 1051(c) (2003)).

25 14. Opposer is informed and believes, and on that information and belief alleges that  
26 Applicant has not filed with the USPTO a statement of use under Section 1(d) of the  
27 Trademark Act (15 U.S.C. § 1051(d) (2003)).

28 ///

1 **FIRST GROUNDS FOR OPPOSITION**

2 **(Likelihood of Confusion, Mistake, and Deception)**

3 15. Opposer realleges paragraphs 1 through 14, inclusive, of this Notice of  
4 Opposition and incorporates them herein by reference as though fully set forth.

5 16. Opposer, since January 1, 1999, is now, and has been, using the marks "AUTO  
6 EXPERT" in connection with "dealership service in the field of used vehicles, namely motor  
7 vehicles; computerized on-line ordering and retail services of motor vehicles; holding auctions  
8 and the auctioning of used motor vehicles" in International Class 35, and for "financing the  
9 purchase and leasing of vehicles, namely motor vehicles; underwriting and administration of  
10 insurance agreements, service agreements, prepaid maintenance agreements, and debt  
11 cancellation agreements, all related to motor vehicles" in International Class 36. Opposer,  
12 since April 1, 1999, is now, and has been, using the marks "AUTO EXPERT (DESIGN)" in  
13 connection with "dealership service in the field of used vehicles, namely motor vehicles;  
14 computerized on-line ordering and retail services of motor vehicles; holding auctions and the  
15 auctioning of used motor vehicles" in International Class 35, and for "financing the purchase  
16 and leasing of vehicles, namely motor vehicles; underwriting and administration of insurance  
17 agreements, service agreements, prepaid maintenance agreements, and debt cancellation  
18 agreements, all related to motor vehicles" in International Class 36.

19 17. Opposer is likely to be damaged by continuance and registration of United States  
20 Application No. 76/339023.

21 18. Opposer's use of the marks "AUTO EXPERT" and "AUTO EXPERT (DESIGN)"  
22 has been valid and continuous and has not been abandoned.

23 19. Opposer's marks are symbolic of extensive goodwill and consumer recognition  
24 built up by Opposer through substantial amounts of time and effort in advertising and  
25 promotion.

26 20. In view of the similarity of the representative marks in commercial impression  
27 (sight, sound, and meaning) and the related nature of the services of the respective parties, it  
28 is alleged that Applicant's mark so resembles Opposer's marks previously used in the United

1 States, and not abandoned, as to be likely to cause confusion, or to cause mistake, or to  
2 deceive consumers.

3 **SECOND GROUNDS FOR OPPOSITION**

4 **(Interference with "Family of Marks")**

5 21. Opposer realleges paragraphs 1 through 20, inclusive, of this Notice of  
6 Opposition and incorporates them herein by reference as though fully set forth.

7 22. Opposer, since January 1, 1999, is now, and has been, using the marks "AUTO  
8 EXPERT" in connection with "dealership service in the field of used vehicles, namely motor  
9 vehicles; computerized on-line ordering and retail services of motor vehicles; holding auctions  
10 and the auctioning of used motor vehicles" in International Class 35, and for "financing the  
11 purchase and leasing of vehicles, namely motor vehicles; underwriting and administration of  
12 insurance agreements, service agreements, prepaid maintenance agreements, and debt  
13 cancellation agreements, all related to motor vehicles" in International Class 36. Opposer,  
14 since April 1, 1999, is now, and has been, using the marks "AUTO EXPERT (DESIGN)" in  
15 connection with "dealership service in the field of used vehicles, namely motor vehicles;  
16 computerized on-line ordering and retail services of motor vehicles; holding auctions and the  
17 auctioning of used motor vehicles" in International Class 35, and for "financing the purchase  
18 and leasing of vehicles, namely motor vehicles; underwriting and administration of insurance  
19 agreements, service agreements, prepaid maintenance agreements, and debt cancellation  
20 agreements, all related to motor vehicles" in International Class 36.

21 23. Opposer now has, and has had, a bona fide intent to use the marks "AUTO  
22 EXPERT BROKERS", "AUTO EXPERT BROKERS OF AMERICA", "AUTO EXPERT  
23 BROKERS AUTO BUYING MADE EASY (DESIGN)" and "AUTO EXPERT BROKERS OF  
24 AMERICA AUTO BUYING MADE EASY (DESIGN)" in connection with "dealership service in  
25 the field of used vehicles, namely motor vehicles; computerized on-line ordering and retail  
26 services of vehicles; holding auctions and the auctioning of used vehicles" in International  
27 Class 35, and for "financing the purchase and leasing of vehicles, namely motor vehicles;  
28 underwriting and administration of insurance agreements, service agreements, prepaid

1 maintenance agreements, and debt cancellation agreements, all related to motor vehicles" in  
2 International Class 36.

3 24. Opposer is likely to be damaged by continuance and registration of United States  
4 Application No. 76/339023.

5 25. Opposer's use of the marks "AUTO EXPERT" and "AUTO EXPERT (DESIGN)"  
6 has been valid and continuous and has not been abandoned.

7 26. Opposer's bona fide intent to use the marks "AUTO EXPERT BROKERS",  
8 "AUTO EXPERT BROKERS OF AMERICA", "AUTO EXPERT BROKERS AUTO BUYING  
9 MADE EASY (DESIGN)" and "AUTO EXPERT BROKERS OF AMERICA AUTO BUYING  
10 MADE EASY (DESIGN)" has been valid and continuous and has not been abandoned.

11 27. Opposer's marks are symbolic of extensive goodwill and consumer recognition  
12 built up by Opposer through substantial amounts of time and effort in advertising and  
13 promotion.

14 28. Opposer's marks "AUTO EXPERT", "AUTO EXPERT (DESIGN)", "AUTO  
15 EXPERT BROKERS", "AUTO EXPERT BROKERS OF AMERICA", "AUTO EXPERT  
16 BROKERS AUTO BUYING MADE EASY (DESIGN)" and "AUTO EXPERT BROKERS OF  
17 AMERICA AUTO BUYING MADE EASY (DESIGN)" together comprise a "Family of Marks."

18 29. In view of the similarity of the representative marks in commercial impression  
19 (sight, sound, and meaning) and the related nature of the services of the respective parties, it  
20 is alleged that Applicant's mark so resembles Opposer's marks previously used in the United  
21 States, and not abandoned, and Opposer's marks intended to be used in the United States as  
22 to be likely to interfere with Opposer's valid adoption, use, and registration of its "Family of  
23 Marks," and, as such, cause confusion, cause mistake, or deceive consumers.

### 24 THIRD GROUNDS FOR OPPOSITION

#### 25 **(Prior Use as a Trade Name and Use Analogous to Trademark Use)**

26 30. Opposer realleges paragraphs 1 through 29, inclusive, of this Notice of  
27 Opposition and incorporates them herein by reference as though fully set forth.

28 ///

1           31.     Opposer, since January 1, 1999, is now, and has been, operating under the  
2 designation "AUTO EXPERT" in the area of automotive dealership services, namely motor  
3 vehicles including computerized on-line ordering and retail services of motor vehicles and  
4 holding auctions and the auctioning of used motor vehicles, and financing the purchase and  
5 leasing of motor vehicles, including underwriting and administration of insurance agreements,  
6 service agreements, prepaid maintenance agreements, and debt cancellation agreements.  
7 Opposer, since April 1, 1999, is now, and has been, operating under the designation "AUTO  
8 EXPERT (DESIGN)" in the area of automotive dealership services, namely motor vehicles  
9 including computerized on-line ordering and retail services of motor vehicles and holding  
10 auctions and the auctioning of used motor vehicles, and financing the purchase and leasing of  
11 motor vehicles, including underwriting and administration of insurance agreements, service  
12 agreements, prepaid maintenance agreements, and debt cancellation agreements.

13           32.     Opposer is likely to be damaged by continuance and registration of United States  
14 Application No. 76/339023.

15           33.     Opposer's use has been valid and continuous since said date of first use, has  
16 not been abandoned, and the relevant class of the public has come to associate Opposer with  
17 said designation.

18           34.     Opposer's designation is symbolic of extensive goodwill and consumer  
19 recognition built up by Opposer through substantial amounts of time and effort in advertising  
20 and promotion.

21           35.     In view of the similarity of the Applicant's mark and Opposer's designation in  
22 commercial impression (sight, sound, and meaning) and the related nature of the services of  
23 the respective parties, it is alleged that Applicant's mark consists of and comprises matter that  
24 may disparage and falsely suggest a connection with Opposer.

25                           **FOURTH GROUNDS FOR OPPOSITION**

26                           **(Applicant's Mark Has Not Become Distinctive)**

27           36.     Opposer realleges paragraphs 1 through 35, inclusive, of this Notice of  
28 Opposition and incorporates them herein by reference as though fully set forth.

1           37.    Applicant is not now, and has not been, using the mark "AUTOMOBILEXPERT"  
2 in connection with "providing online insurance services, namely, providing online insurance  
3 premium quotes for automobile policies" in International Class 36.

4           38.    Opposer is likely to be damaged by continuance and registration of United States  
5 Application No. 76/339023.

6           39.    Applicant's alleged mark has not become distinctive of Applicant's services in  
7 commerce and no customer recognition of said term as a valid mark identifying only Applicant  
8 has been achieved.

9           40.    Applicant's mark is not symbolic of extensive goodwill and consumer recognition  
10 built up as Applicant has not expended substantial amounts of time and effort in advertising  
11 and promotion.

12           41.    Opposer's marks have become distinctive of Opposer's services in commerce  
13 and customer recognition of said terms as valid marks identifying only Opposer has been  
14 achieved.

15           42.    Opposer's marks are symbolic of extensive goodwill and consumer recognition  
16 built up as Opposer has expended substantial amounts of time and effort in advertising and  
17 promotion.

18           43.    In view of the similarity of the representative marks in commercial impression  
19 (sight, sound, and meaning) and the related nature of the services of the respective parties, it  
20 is alleged that Applicant's mark and/or designation is not distinctive of Applicant's services in  
21 commerce and customer recognition of said mark and/or designation as a valid mark  
22 identifying only Opposer has not been achieved so that registration of Applicant's mark should  
23 be rejected and refused.

24           **WHEREFORE, OPPOSER PRAYS THAT THE TRADEMARK TRIAL AND APPEAL**  
25 **BOARD:**

- 26           a.    Reject registration of United States Application No. 76/339023;  
27           b.    Refuse to issue any registration, on the principal or supplemental register, to  
28 Applicant from United States Application No. 76/339023; and

1 c. Sustain this opposition in favor of Opposer.

2 **OPPOSER HEREBY APPOINTS:**

3 The Walker Law Firm, A Professional Corporation, a law firm composed of Joseph A.  
4 Walker, Karyn S. Neue, Mary G. Finlay, Allan H. Grant, Rebecca E. Weiss, Jason Matthew  
5 Lamb, and David T. Sanford, all members of the bar of the State of California, to act as  
6 attorneys for Opposer herein, with full power to prosecute said opposition, to transact all  
7 relevant business with the USPTO, including the TTAB, and in the United States Courts and to  
8 receive all official communications in connection with this opposition. Opposer requests that  
9 all future communications from the USPTO and TTAB be forwarded to Allan H. Grant at The  
10 Walker Law Firm, A Professional Corporation, 1301 Dove Street, Suite 450, Newport Beach,  
11 California 92660-2464, telephone number (949) 752-2522, facsimile number (949) 752-0439.

12  
13 Submitted by:

THE WALKER LAW FIRM,  
A Professional Corporation

14  
15 Dated: June 5, 2003

By:

  
\_\_\_\_\_  
JOSEPH A. WALKER  
ALLAN H. GRANT  
JASON MATTHEW LAMB  
Attorneys for Opposer, RIVERSIDE  
COUNTY'S CREDIT UNION