

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

In the matter of trademark application serial number: 76/388,624

Filed: March 28, 2002

For the mark: FEDCHECK

Published in the *Official Gazette* on: October 8, 2002

FEDCHEX, INC., Opposer

v.

ROLAND BANCIELLA, Applicant

Opposition No:

NOTICE OF OPPOSITION X

Opposer, FEDChex, Inc., a California limited liability company with a business address of 17252 Armstrong Avenue, Suite E, Irvine, California 92614, hereby opposes registration of the mark FEDCHECK that is the subject of application Serial No. 76/388,624, published in the *Official Gazette* of October 8, 2002. The above-identified opposer believes that it will be damaged by registration of the mark shown in the above-identified application.

As grounds in support of its opposition, Opposer asserts as follows:

1. Opposer, prior to date of first use upon which Applicant can rely, has adopted and continuously used in interstate commerce the trademark FEDCHEX for check verification and unfulfilled check collection services.
2. Opposer's services bearing the FEDCHEX trademark have been extensively and continuously offered to the public through various channels of trade. Opposer has also extensively advertised its services under said trademark throughout the United States. By reason of such advertising and wide distribution of Opposer's services bearing the FEDCHEX trademark, the public has come to recognize FEDCHEX as signifying Opposer and its

services, and Opposer has built up extensive goodwill in connection with the sale of services under its trademark.

3. Notwithstanding Opposer's prior rights in and to the FEDCHEX trademark, on March 28, 2002, Applicant filed an application to register the mark FEDCHECK for payment services; namely electronic processing and transferring of funds. That application was assigned Serial No. 76/388,624 and the mark was published for opposition in the *Official Gazette* of October 8, 2002.
4. Applicant's mark so resembles Opposer's previously used mark, FEDCHEX, as to be likely, when applied to the services set forth in Applicant's application, to cause confusion, mistake, or deception within the meaning of Section 2(d) of the Trademark Act.

WHEREFORE, Opposer prays that the opposition be sustained and that registration to Applicant be refused.

Respectfully submitted,

FEDChex, Inc.



By: Eric Goodman  
Attorney for Opposer

Date:

12/7/02

**POWER OF ATTORNEY**

The above-identified Applicant hereby appoints the law firm Goodman & Cray, whose address is 414 W. Fourth Street, Suite A, Santa Ana, California 92701, which has associated with it Eric Goodman and William Cray, both attorneys admitted to practice before the Central District Federal Court of the state of California, its attorneys to prosecute this Opposition, with full power of substitution and revocation, to transact all business in the Patent and Trademark Office in connection therewith.

Respectfully Submitted,

DATED: December 5, 2002



Rodney Davis  
Chief Financial Officer, FEDChex, LLC  
APPLICANT

**GOODMAN & CRAY, LLP**  
414 W. FOURTH STREET, SUITE A  
SANTA ANA, CA 92701  
(714) 836-0200

WELLS FARGO BANK, N.A.  
CALIFORNIA  
WWW.WELLSFARGO.COM

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16-24/1220

12/4/2002

PAY  
TO THE  
ORDER OF

Commissioner of Patents & Trademarks

\$ \*\*300.00

Three Hundred and 00/100\*\*\*\*\*

DOLLARS

Commissioner of Patents & Trademarks

  
\_\_\_\_\_  
AUTHORIZED SIGNATURE

MEMO

1081.200 Notice of Opposition to Serial No. 76/388,624

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ACKNOWLEDGEMENT CARD

Serial/Reg. No. FEDCHX Our File No. 1081 200 By AJM

Title/Mark: FEDCHX  
In the Matter of Notice of Opposition

The following, was due  
was received at address: [Redacted]

Right Office  
Appeals  
con: Bend

12-09-2002

U.S. Patent & TMO®/TM Reg. Rept. #30 Action

- Transmittal
- Certificate of Mailing (Express)  Check No. for \$ 300.00
- Application for Registration  Other: Notice of Opposition
- Power of Attorney  Other: \_\_\_\_\_
- Declaration / Affidavit  Other: \_\_\_\_\_
- Specimen(s) Mailed 2/05/02

LAW OFFICES OF  
**GOODMAN & CRAY, LLP**  
BUSINESS & INTELLECTUAL PROPERTY MATTERS

*Across from the United States Federal Courthouse:*  
414 W. FOURTH STREET, SUITE A  
SANTA ANA, CALIFORNIA 92701

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WWW.GOODMANCRAY.COM

**Via First Class Mail**

December 5, 2002

Box TTAB FEE  
Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, Virginia 22202-3513  
(703) 308-9109

**Re: In the matter of trademark application serial number:** 76/388,624  
**Filed:** March 28, 2002  
**For the mark:** FEDCHECK  
**Published in the Official Gazette on:** October 8, 2002

Dear Sir or Madam:

Enclosed herewith please find the following:

1. One (1) original and one (1) duplicate Notice of Opposition;
2. Check #11598 in the amount of \$300.00 for filing of the Notice of Opposition;
3. Power of Attorney; and
4. A self-addressed, stamped acknowledgement card to indicate receipt of Notice of Opposition and Power of Attorney.

Should you have any questions or comments with regard to the above matter, please contact me.

Sincerely,



Eric J. Goodman  
Attorney

\*\*\*\*\* CERTIFICATE OF MAILING \*\*\*\*\*

Date of Deposit: December 5, 2002

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first-class mail in an envelope addressed to the Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513.

  
Eric Goodman