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

Associates in Financial Planning, Inc.
doing business as The AFP Group,

Opposer,

v.

The AFP Group,

Applicant

Trademark Application
Serial No. 75/805795

01-12-2004

U.S. Patent & TMO/TM Mail Rcpt Dt. #78

Filed: September 22, 1999

Mark: AFP GROUP

Published: September 9, 2003

Official Gazette p. TM 294

BOX TTAB — FEE

Assistant Commissioner for Trademarks

2900 Crystal Drive

Arlington, VA 22202-3513

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3514, on

Karen Myers 1/7/04
Signature Date

NOTICE OF OPPOSITION

Associates in Financial Planning, Inc., doing business as The AFP Group, by and through its undersigned attorneys, believes that it will be damaged by the registration of U.S. Trademark Application Serial No. 75/805,795 for the mark AFP GROUP in International Class 16 and hereby opposes the same. As grounds for opposition, it is alleged that:

1. Upon information and belief, Applicant The AFP Group (hereinafter "Applicant"), is a Texas corporation with an address of 1300 Post Oak Blvd., Suite 1200, Houston, Texas 7705-3010.

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2. Upon information and belief, Applicant seeks to register the mark AFP GROUP for goods identified as "printed matter, namely, financial newsletters and financial reports" in International Class 16.
3. Upon information and belief, this application was filed on September 22, 1999 and was published for opposition on page TM 294 of the Official Gazette on September 9, 2003.
4. Opposer Associates in Financial Planning, Inc., which does business as The AFP Group, (hereinafter "Opposer") is a California corporation having a principal place of business at 12100 Wilshire Boulevard, Suite 500, Los Angeles, California 90025.
5. Opposer offers financial and insurance services, including financial advisory services, financial planning, estate planning, tax planning, portfolio management and asset allocation, financial analysis and consultation, insurance consultation, and provides financial reports and materials in connection therewith.
6. Upon information and belief, Opposer adopted and began using the trademark THE AFP GROUP well prior to the Applicant's filing date, and prior to the date of first use claimed by the Applicant.
7. Opposer is the owner of U.S. Application No. 75876591 for the mark THE AFP GROUP for "financial and insurance services, namely, comprehensive financial planning; financial planning to maintain desired cash flow; estate planning; tax planning; financial planning and consultation for charitable giving; portfolio

management and asset allocation; financial analysis and consultation for funding college education, for salary continuation in the case of death or terminal illness, for disability plans, for retirement funding strategies, and for qualified and non-qualified retirement plans; insurance consultation; risk management and insurance consultation with regard to equity investment transactions, executive compensation plans, deferred compensation plans and employee benefit plans" in International Class 36 and "business planning; business consultation" in International Class 35, filed on December 21, 1999.

8. Opposer is also the owner of U.S. Application No. 75876590 for the mark THE AFP GROUP & Design for "financial and insurance services, namely, comprehensive financial planning; financial planning to maintain desired cash flow; estate planning; tax planning; financial planning and consultation for charitable giving; portfolio management and asset allocation; financial analysis and consultation for funding college education, for salary continuation in the case of death or terminal illness, for disability plans, for retirement funding strategies, and for qualified and non-qualified retirement plans; insurance consultation; risk management and insurance consultation with regard to equity investment transactions, executive compensation plans, deferred compensation plans and employee benefit plans" in International Class 36 and "business planning; business consultation" in International Class 35, filed on December 21, 1999.
9. Opposer's THE AFP GROUP and THE AFP GROUP & Design trademarks are of significant value to Opposer as identifications of source in connection with the promotion and offering of its products and services.

10. Applicant's use of the mark AFP GROUP in connection with printed matter, namely, financial newsletters and financial reports is likely to cause confusion with Opposer's THE AFP GROUP and THE AFP GROUP & Design marks as used in connection with its financial services.
11. Applicant's use of the mark AFP GROUP for printed matter, namely, financial newsletters and financial reports will result in confusion, mistake, and/or deception in that the public will wrongly assume that Opposer has approved of Applicant, is affiliated with Applicant, or has otherwise sanctioned or sponsored the goods of Applicant.
12. Opposer would be damaged by the registration of the mark AFP GROUP by Applicant as the registration will result in confusion, mistake, and/or deception, and Applicant will be able to trade on Opposer's goodwill and reputation.

WHEREFORE, Opposer prays that this opposition be granted and that Applicant's application for the mark AFP GROUP be abandoned.

Respectfully submitted,

ASSOCIATES IN FINANCIAL PLANNING, INC.,
doing business as THE AFP GROUP

Dated: 1/7/04



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