

ESTTA Tracking number: **ESTTA44157**

Filing date: **09/06/2005**

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

<b>Name</b>	DOLLAR FINANCIAL GROUP, INC.
<b>Granted to Date of previous extension</b>	09/14/2005
<b>Address</b>	1436 LANCASTER AVENUE BERWYN, PA 19312-1288 UNITED STATES

<b>Correspondence information</b>	Hilary B. Miller, Esq. 112 Parsonage Road Greenwich, CT 06830-3942 UNITED STATES hilary@miller.net Phone:(203) 399-1320
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#### Applicant Information

<b>Application No</b>	78387114	<b>Publication date</b>	05/17/2005
<b>Opposition Filing Date</b>	09/06/2005	<b>Opposition Period Ends</b>	09/14/2005
<b>Applicant</b>	Jachimek, William G. 4420 N Central Ave. Phoenix, AZ 85012 UNITED STATES		

### **Goods/Services Affected by Opposition**

Class 036. First Use: 20040316First Use In Commerce: 20040316  
All goods and sevices in the class are opposed, namely: Financial services in the nature of check cashing, deferred deposits, financial overdraft protection, short term consumer loans

<b>Attachments</b>	STATEMENT OF CLAIM RE Jacimek.pdf ( 1 page )
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<b>Signature</b>	/HBM/
<b>Name</b>	Hilary B. Miller, Esq.
<b>Date</b>	09/06/2005

## STATEMENT OF CLAIM RE DOLLAR FINANCIAL GROUP, INC./JACIMEK

1. At least as early as August 1995, opposer Dollar Financial Group, Inc. (“Opposer”) adopted and began using the mark CASH ’TIL PAYDAY to identify its service for originating short-term small consumer loans. Opposer has continually used the CASH ’TIL PAYDAY mark to identify such services in commerce since at least as early as August 1995.

2. Based upon its long and continued use, Opposer has acquired extensive, exclusive and valuable common-law rights in and to the CASH ’TIL PAYDAY mark.

3. Opposer is the owner of U.S. Registration Nos. 1,987,764 and 2,606,704 with respect to the mark CASH ’TIL PAYDAY. The foregoing registrations cover short-term small consumer loans. The aforesaid registrations are valid, subsisting and in full force and effect. Opposer intends to rely on such registrations in this opposition.

4. Opposer has continuously, prominently and without abandonment used its mark CASH ’TIL PAYDAY and has expended enormous amounts of money in connection with advertising and promoting its services as CASH ’TIL PAYDAY. As a result of such advertising and promotion, Opposer’s CASH ’TIL PAYDAY mark has acquired a wide and favorable reputation in the marketplace and has come to be recognized by customers in the marketplace as indicating the services of Opposer.

5. Applicant William G. Jachimek (“Applicant”) filed an application to register CASH B4 PAYDAY on March 18, 2004 for providing “. . . short term consumer loans.”

6. Applicant’s claimed CASH B4 PAYDAY mark and Opposer’s CASH ’TIL PAYDAY mark are confusingly similar.

7. The CASH B4 PAYDAY mark, when used to identify Applicant’s services, will falsely suggest to customers and the trade that the Applicant’s services identified by the CASH B4 PAYDAY mark are sold, approved or sponsored by Opposer, or that there is some other connection between Applicant and Opposer with respect to such services. Applicant’s CASH B4 PAYDAY mark, when used to identify Applicant’s services, is likely to cause confusion or mistake or to deceive and, accordingly, the granting of the registration applied for by Applicant would cause substantial damage and injury to Opposer.

8. The granting of a registration to Applicant for the CASH B4 PAYDAY mark will create statutory rights in Applicant in violation and derogation of the established prior rights of Opposer.

9. Registration should be refused to Applicant, the newcomer in the field, in order to prevent deception to the public, and damage and harm to Opposer and to the goodwill of Opposer.

WHEREFORE, Opposer prays that its opposition be sustained and that Application Serial No. 78-387,114 be rejected, denying registration of the CASH B4 PAYDAY mark to Applicant.