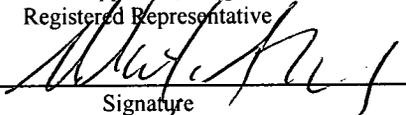


TTAB

I hereby certify that this correspondence is being deposited with the United States Postal Service, with sufficient postage, as first class mail in an envelope addressed to: Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451 on January 11, 2006  
Date of Deposit

Philip A. Jones  
Name of applicant, assignee or Registered Representative  
  
Signature  
January 11, 2006  
Date of Signature

**SERVICE MARK**  
Our File No. 10585/3320

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

In re Application of )  
 )  
San Diego County Credit Union )  
 )  
Serial No.: 78/477,138 )  
 )  
Filed: September 1, 2004 )  
 )  
Mark: FLY MILES PLUS )  
 )  
Published: September 13, 2005 )

Opposition No. \_\_\_\_\_

01/26/2006 SWILSON1 00000117 231925 78477138  
01 FC:6402 300.00 DA

**NOTICE OF OPPOSITION**

Opposers, UNITED AIR LINES, INC. and UAL LOYALTY SERVICES LLC f/k/a UAL LOYALTY SERVICES, INC. (collectively "United") are Delaware corporations with their principal places of business in Elk Grove Township, Illinois. Opposers believe they will be damaged by the application to register FLY MILES PLUS, Serial No. 78/477,138, and therefore oppose its registration.



1. United is now, and for many years has been, engaged primarily in the business of air transportation of persons, property and mail. For many years, United has been one of the largest air carriers in the United States, and has become an industry leader.

2. In 1981, United became one of the first airlines to institute a customer loyalty program for its frequent flyers. Commencing at least as early as May 7, 1981, United has continued to promote its frequent flyer program under the mark MILEAGE PLUS. As part of its frequent flyer program, United customers can receive travel rewards or other goods or services based on miles flown with United or its partner airlines.

3. United's MILEAGE PLUS frequent flyer program is one of the largest customer loyalty programs in the airlines industry. United has spent considerable sums of money promoting its MILEAGE PLUS frequent flyer program. As a result of this extensive promotion and widespread use, the MILEAGE PLUS mark has become an extremely valuable indicator of the source of United's high quality services. United has built up immeasurable amounts of goodwill in its MILEAGE PLUS mark.

4. United owns the following federal trademark registrations for MILEAGE PLUS (collectively "MILEAGE PLUS Registrations"):

- MILEAGE PLUS, Reg. No. 1,322,575, registered on February 26, 1985; and
- MILEAGE PLUS MALL, Reg. No. 2,945,974, registered on May 3, 2005.

5. The MILEAGE PLUS registrations are valid, subsisting, and in full force and effect. Copies of the registration certificates are attached as Exhibit A.

6. United's right to use the mark MILEAGE PLUS in commerce has become incontestable pursuant to 15 U.S.C. § 1065.

7. United has expanded the ways members of its MILEAGE PLUS frequent flyer program can earn travel rewards and other goods and services, including through credit card purchases. United has over 100 partners around the world through whom frequent flyers can earn additional miles in the MILEAGE PLUS program. MILEAGE PLUS members can earn miles for everyday activities such as buying groceries, dining out, making phone calls, staying at a hotel or using a MILEAGE PLUS credit card.

8. At least as early as 1987, United first used the MILEAGE PLUS mark in commerce in connection with credit card services. Customers can earn points in the MILEAGE PLUS frequent flyer program for dollars charged on the MILEAGE PLUS credit card.

9. United has continuously used the MILEAGE PLUS mark in commerce in connection with credit card services. Millions of customers own MILEAGE PLUS credit cards. Millions of miles earned by consumers through the MILEAGE PLUS credit cards have been redeemed with United in connection with travel or other goods or services. MILEAGE PLUS has become a strong and distinctive indicator of the source of United's high quality credit card services and is an invaluable asset of goodwill for United.

10. Applicant San Diego County Credit Union, with its principal place of business in San Diego, California ("Applicant"), owns the pending application, Serial No. 78/477,138, for the mark FLY MILES PLUS for use in connection with "incentive award program promoting the use of credit cards; incentive award program promoting the sale of credit cards; promoting the services of others through loyalty and incentive reward programs and on-line promotions" in International Class 35; and "financial information provided by electronic means; providing financial account management and information; providing financial account and data management, namely providing aggregation of information about multiple financial accounts and

data via a global computer network and telecommunications networks; electronic financial transaction processing for program members and participating merchants” in International Class 36. (“Application”). Applicant filed the Application on September 1, 2004, based on intent-to-use.

11. United commenced use of its MILEAGE PLUS mark long prior to the filing date of the Application.

12. Customers with the FLY MILES PLUS credit card earn points that may be redeemed for air travel or other rewards.

13. The mark FLY MILES PLUS is likely to cause confusion, mistake or deception with United’s MILEAGE PLUS mark. Consumers are likely to confusingly believe that United has licensed, sponsored, approved of, or somehow authorized Applicant’s credit card services because of the mark FLY MILES PLUS.

14. Consumers are likely to mistakenly or confusingly believe that Applicant is one of United’s partners in the MILEAGE PLUS program and that the FLY MILES PLUS credit card is a joint venture or co-branding program between United and Applicant.

15. United believes that it is being damaged by the Application, Serial No. 78/477,138, and respectfully requests that it be denied registration.

The Commissioner is hereby authorized to charge the fees, which may be required, or credit any overpayment, to Deposit Account No. 23-1925. A duplicate copy of this correspondence is attached.

Respectfully submitted,

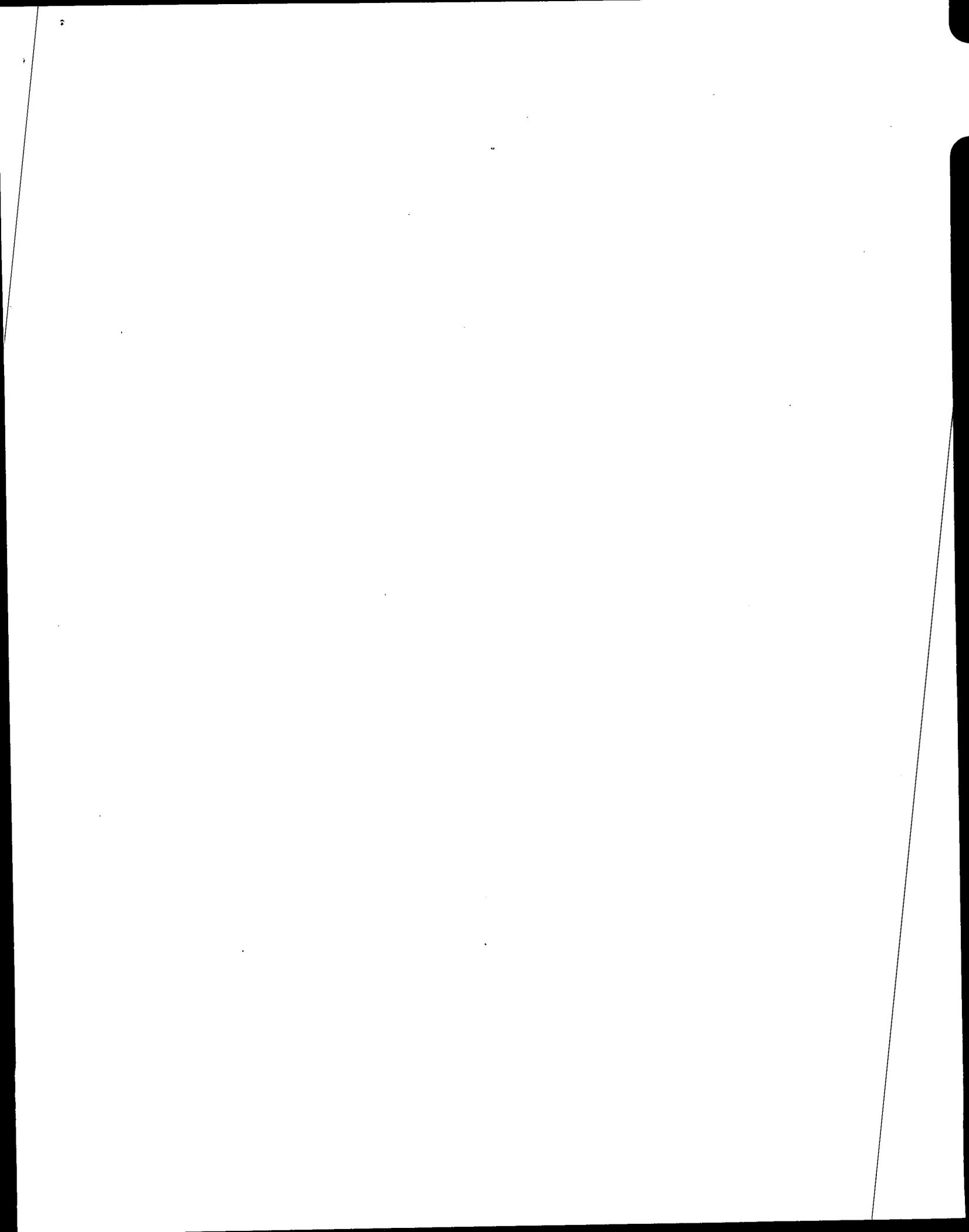
UNITED AIR LINES, INC.  
UAL LOYALTY SERVICES LLC  
f/k/a UAL LOYALTY SERVICES, INC.

Date: January 11, 2006



Philip A. Jones  
BRINKS HOFER GILSON & LIONE  
P.O. Box 10395  
Chicago, Illinois 60610  
(312) 321-4200

Their Attorneys



Int. Cl.: 39

Prior U.S. Cl.: 105

United States Patent and Trademark Office

Reg. No. 1,322,575  
Registered Feb. 26, 1985

SERVICE MARK  
Principal Register

MILEAGE PLUS

United Air Lines, Inc. (Delaware corporation)  
P.O. Box 66100  
Chicago, Ill. 60666

For: TRANSPORTATION OF PERSONS,  
MAIL AND PROPERTY BY AIR, in CLASS 39  
(U.S. Cl. 105).

First use May 7, 1981 in commerce May 7, 1981.

No claim is made to the exclusive right to use  
"Mileage", apart from the mark as shown.

Ser. No. 473,392, filed Apr. 2, 1984.

CRAIG D. TAYLOR, Examiner

REGISTERED FOR A TERM OF 20 YEARS FROM Feb. 26, 1985

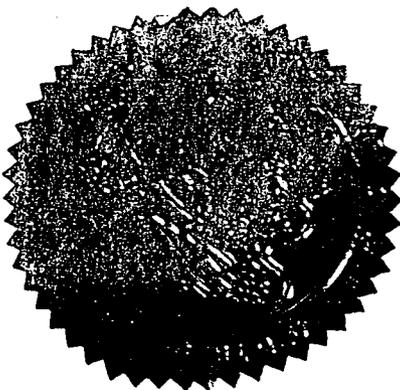
COMB. AFF. SEC. 8 & 15

CERTIFIED TO BE A TRUE COPY OF THE REGISTRATION  
WHICH IS IN FULL FORCE AND EFFECT WITH NOTATION  
OF ALL STATUTORY ACTIONS TAKEN THEREON, AS DIS-  
CLOSED BY THE RECORDS OF THE UNITED STATES PATENT  
AND TRADEMARK OFFICE. SAID RECORDS SHOW TITLE  
TO BE IN: Registrant

Attest

*Harry F. Manbeck, Jr.*  
COMMISSIONER OF PATENTS  
AND TRADEMARKS

JUL - 1 1991  
*C. D. Taylor*  
Attesting Officer



Int. Cl.: 35

Prior U.S. Cls.: 100, 101 and 102

United States Patent and Trademark Office

Reg. No. 2,945,974

Registered May 3, 2005

SERVICE MARK  
PRINCIPAL REGISTER

MILEAGE PLUS MALL

UAL LOYALTY SERVICES, INC. (DELAWARE  
CORPORATION)  
8550 WEST BRYN MAWR, 6TH FLOOR  
CHICAGO, IL 60631

FOR: PROMOTING THE GOODS AND SERVICES  
OF OTHERS THROUGH THE ADMINISTRATION  
AND OPERATION OF CUSTOMER LOYALTY, IN-  
CENTIVE AND BONUS PROGRAMS , IN CLASS 35  
(U.S. CLS. 100, 101 AND 102).

FIRST USE 11-0-2002; IN COMMERCE 11-0-2002.

THE MARK CONSISTS OF STANDARD CHAR-  
ACTERS WITHOUT CLAIM TO ANY PARTICULAR  
FONT, STYLE, SIZE, OR COLOR.

NO CLAIM IS MADE TO THE EXCLUSIVE  
RIGHT TO USE MILEAGE, APART FROM THE  
MARK AS SHOWN.

SER. NO. 78-324,666, FILED 11-7-2003.

WILLIAM VERHOSEK, EXAMINING ATTORNEY