

Ref. No. 25153.001

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

In re Application Serial No. 78/499,650  
Filed: October 14, 2004  
For Mark: NETELLER (stylized)  
Published in the Official Gazette: October 17, 2006

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:  
UNITELLER FINANCIAL SERVICES, INC. :  
:  
Opposer, :  
v. :  
:  
NETELLER PLC :  
:  
Applicant. :  
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NOTICE OF OPPOSITION

Opposition No.

Commissioner for Trademarks  
ATTN: Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, Virginia 22313-1451

Opposer, UniTeller Financial Services, Inc., a New Jersey corporation, with an address at 218 Route 17 North, Suite 402, Rochelle Park, NJ 07662, (hereinafter "Opposer"), believes that it will be damaged by registration of the mark NETELLER (stylized) in International Class 36 shown in Application Serial No. 78/499,650, and having been granted an extension of time to oppose up to and including April 15, 2007, hereby opposes the same.

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04-16-2007

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April 16, 2007 Phyllis Buchalter  
(Date of Deposit) (Print name)

Phyllis Buchalter  
(Signature)

As grounds for opposition, it is alleged that:

1. Opposer is and has, for many years, been engaged in the business of providing money transmission and funds transfer services (“Opposer’s Services”) through a broad network of independent selling agents and paying agents throughout the United States. Opposer also provides a number of other financial services, including services relating to prepaid cards, through out the United States.

2. Since long prior to July 2000, Applicant’s first use date, Opposer and its predecessors have used, and continue to use in commerce, a family of marks, namely, UNITELLER, FOLIO UNITELLER and SERVICIO UNITELLER (collectively “UNITELLER Marks”), in connection with Opposer’s Services.

3. Opposer owns the following incontestable U.S. Federal registrations for the UNITELLER Marks: Registration No. 2,195,039 (UNITELLER), 2,143,338 (FOLIO UNITELLER) and 1,846,979 (SERVICIO UNITELLER), all covering services in class 36.

4. Since long prior to the year July 2000, Applicant’s first use date, Opposer and its predecessors have marketed Opposer’s Services offered in connection with the UNITELLER Marks.

5. As a result of the extensive promotion and marketing of Opposer’s Services offered in connection with the UNITELLER Marks, Opposer has built up highly valuable goodwill in the UNITELLER Marks, and said goodwill has become closely and uniquely associated with Opposer.

6. On October 14, 2004, Applicant, Neteller plc, filed App. Ser. No. 78/499,650, based on use, for the stylized mark NETELLER in International Class 36 covering

“electronic money issuance and transfer services for consumers and merchants to send and receive payments over the internet.” App. Ser. No. 78/499,650 is hereinafter referred to as “Applicant’s Application” and the mark in App. Ser. No. 78/499,650 is hereinafter referred to as the “NETELLER Mark”.

7. The services covered by Applicant’s Application are so closely related to Opposer’s Services offered in connection with Opposer’s UNITELLER Marks that there would be a likelihood of confusion.

8. The NETELLER Mark so resembles the UNITELLER Marks as to be likely, when applied to Applicant’s services, to cause confusion, to cause mistake, and to deceive the trade and public, who are likely to believe that Applicant’s services have their origin with Opposer and/or that such services are approved, endorsed or sponsored by Opposer or associated in some way with Opposer. Opposer would thereby be injured by the granting to Applicant of a certificate of registration for the NETELLER Mark.

9. Opposer would further be injured by the granting of a certificate of registration to Applicant for Applicant’s NETELLER Mark because such mark would falsely suggest a connection between Applicant and Opposer.

WHEREFORE, Opposer believes that it will be damaged by registration of the NETELLER Mark and requests that the opposition be sustained and said registration be denied.

Please recognize as attorneys for Opposer in this proceeding Lynn S. Fruchter, Esq. and Sujata Chaudhri, Esq. (members of the bar of the State of New York) and the firm

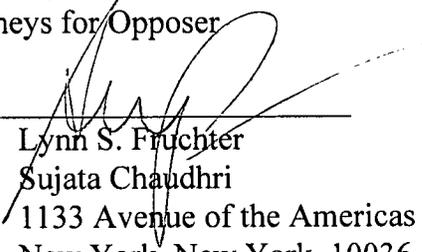
Cowan, Liebowitz & Latman, P.C., 1133 Avenue of the Americas, New York, New York  
10036.

Please address all communications to Sujata Chaudhri, Esq. at the address listed  
below.

Dated: New York, New York  
April 16, 2007

Respectfully submitted,

COWAN, LIEBOWITZ & LATMAN, P.C.  
Attorneys for Opposer

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