

ESTTA Tracking number: **ESTTA213073**

Filing date: **05/22/2008**

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

Name	Platinum European Motorcars, Inc., d.b.a
Granted to Date of previous extension	07/16/2008
Address	8601 Beverly Blvd. Los Angeles, CA 90048 UNITED STATES
Party who filed Extension of time to oppose	Platinum European Motorcars, Inc., d.b.a. Platinum Car Rental Platinum European Motorcars, Inc., d.b.a. Platinum Car Rental
Relationship to party who filed Extension of time to oppose	Platinum European Motorcars, Inc. is the name of the corporation. Platinum Car Rental is the fictitious company name. the registered trademark is "Platinum Car Rental".

Correspondence information	R. Joseph Trojan Attorney Trojan Law Offices 9250 Wilshire Blvd. Suite 325 Beverly Hills, CA 90212 UNITED STATES trojan@trojanlawoffices.com Phone:310-777-8399
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Applicant Information

Application No	77288688	Publication date	03/18/2008
Opposition Filing Date	05/22/2008	Opposition Period Ends	07/16/2008
Applicant	Keshishyan, Hakop 7327 Melrose Avenue Los Angeles, CA 90046 UNITED STATES		

Goods/Services Affected by Opposition

Class 039. All goods and services in the class are opposed, namely: VEHICLE RENTAL AND LEASING SERVICES
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Grounds for Opposition

Deceptiveness	Trademark Act section 2(a)
False suggestion of a connection	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)

Other	<p>The first to either use a mark in commerce has the ultimate right to use the mark. Platinum Car Rental has been using the mark PLATINUM CAR RENTAL in commerce prior to PM PLATINUM RENT-A-CAR Exotic & Luxury Collection (PLATINUM RENT-A-CAR) filed their application serial no. 77288688 in September 25, 2007. Hence, Platinum Car Rental has priority to the use of PLATINUM mark for car rentals. The service mark PLATINUM RENT-A-CAR is confusingly similar to our PLATINUM CAR RENTAL, and thus infringing upon Platinum Car Rental trademark rights. The service mark PLATINUM RENT-A-CAR infringes Platinum Car Rental mark because it has the exact same key components of Platinum Car Rental service mark and name. PLATINUM RENT-A-CAR and PLATINUM CAR RENTAL have essentially the same sight, sound and meaning under the classic test for trademark infringement. The words #PLATINUM RENT-A-CAR# is the focus of your mark and is highlighted in bold and has a larger font than the words #Exotic & Luxury Collection#. This creates confusion in the minds of customers as to the source of your services. This likelihood of confusion is increased by the fact that PLATINUM CAR RENTAL provides the exact kind of vehicle rentals and leasing services as PLATINUM RENT-A-CAR. The use of PLATINUM RENT-A-CAR mark constitutes infringement of Platinum Rental Car trademark rights, depreciation of the goodwill and reputation attaching to its trademark, PLATINUM CAR RENTAL, in vehicle rental and leasing market.</p>
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Mark Cited by Opposer as Basis for Opposition

U.S. Application No.	77435663	Application Date	03/31/2008
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	PLATINUM CAR RENTAL		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 039. First use: First Use: 2006/08/08 First Use In Commerce: 2006/08/08 Vehicle rental		

Attachments	77435663#TMSN.jpeg (1 page)(bytes) PLATINUM RENTAL CAR.pdf (1 page)(51117 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Joe Trojan/
Name	R. Joseph Trojan
Date	05/22/2008

We are intellectual property counsel for PLATINUM EUROPEAN MOTORCARS, INC., d.b.a. PLATINUM CAR RENTAL (“PLATINUM CAR RENTAL”). Our client has been using the mark, PLATINUM CAR RENTAL in commerce as early as 2006. Our client incorporated Platinum Car Rental with the State of California, Secretary of State on July 31, 2006. It has come to our attention that on September 25, 2007, an application was filed with the United States Patent and Trademark Office (“PTO”) to register the mark PM PLATINUM RENT-A-CAR Exotic & Luxury Collection, serial no. 77288688.

The first to either use a mark in commerce or file an intent to use application with the PTO has the ultimate right to use the mark. Our client has been using the mark PLATINUM CAR RENTAL in commerce at least as early as July 2006. Hence, our client has priority to the use of PLATINUM mark for car rentals. The service mark PLATINUM RENT-A-CAR is confusingly similar to our client’s service mark, PLATINUM CAR RENTAL, and thus infringing upon our client’s trademark rights. The service mark PLATINUM RENT-A-CAR infringes our client’s mark because it has the exact same key components of our client’s service mark and name. PLATINUM RENT-A-CAR and PLATINUM CAR RENTAL have essentially the same sight, sound and meaning under the classic test for trademark infringement. The words “**PLATINUM RENT-A-CAR**” is the focus of your mark and is highlighted in bold and has a larger font than the words “Exotic & Luxury Collection”. This creates confusion in the minds of customers as to the source of your services. This likelihood of confusion is increased by the fact that PLATINUM CAR RENTAL provides the exact kind of vehicle rentals and leasing services as PLATINUM RENT-A-CAR. The use of PLATINUM RENT-A-CAR mark constitutes infringement of our client’s trademark rights, depreciation of the goodwill and reputation attaching to our client’s trademark, PLATINUM CAR RENTAL, in vehicle rental and leasing market.