

ESTTA Tracking number: **ESTTA495045**

Filing date: **09/18/2012**

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	Vyapar Capital Market Partners, LLC		
Entity	LLC	Citizenship	Delaware
Address	44 Wall Street 21st Floor New York, NY 10005 UNITED STATES		

Attorney information	Eric Vaughn-Flam Sanders Ortoli Vaughn-Flam Rosenstadt LLP 501 Madison Avenue 14th Floor New York, NY 10022 UNITED STATES evf@sovrlaw.com, jk@sovrlaw.com Phone:(212) 588-0022		
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Applicant Information

Application No	85561084	Publication date	08/21/2012
Opposition Filing Date	09/18/2012	Opposition Period Ends	09/20/2012
Applicant	ValMark Securities, Inc. Suite 300 130 Springside Drive Akron, OH 44333 UNITED STATES		

Goods/Services Affected by Opposition

Class 036. All goods and services in the class are opposed, namely: Insurance services, namely, underwriting, issuing and administration of life insurance

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	4034231	Application Date	02/01/2011
Registration Date	10/04/2011	Foreign Priority Date	NONE
Word Mark	VOLMAX		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 036. First use: First Use: 2010/05/01 First Use In Commerce: 2010/05/01 Global financial services in the nature of an electronic matching service for over the counter or exchange traded derivatives instruments Class 038. First use: First Use: 2010/05/01 First Use In Commerce: 2010/05/01 Telecommunications services, namely, providing access to secured online interface via the Internet to identify, analyze and effectuate trades between dealers

Attachments	85231132#TMSN.jpeg (1 page)(bytes) Notice of Opposition - 2012.09.18.pdf (4 pages)(13339 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	/evf/
Name	Eric Vaughn-Flam
Date	09/18/2012

2. According to Applicant's website (www.valmarksecurities.com), Applicant is engaged in business as "a national independent broker dealer specializing in equity, investment advisory and risk management products and support services."

3. Applicant has filed an intent to use application to register "VULMAX" (the "Putative Mark") that is the subject of Application Serial No. 85/561,084 in International Class 036 for "Insurance services, namely, underwriting, issuing and administration of life insurance."

4. The Putative mark was filed on March 6, 2012, and was published in the Official Gazette of August 21, 2012.

5. Since 2005, Opposer has been engaged in the business of providing global financial services, including, *inter alia*, full-service dealer-broker services for derivative products, voice and e-commerce brokering services, overseas market and investment services, market analysis, connectivity to various processing hubs, market data, and reevaluation services, to meet the financial requirements of Opposer's clients.

6. Opposer owns the registered trademark "VOLMAX" (Reg. No. 4,034,231) in International Class 036 for "Global financial services in the nature of an electronic matching service for over the counter or exchange traded derivatives instruments" and in International Class 038 for "Telecommunications services, namely, providing access to secured online interface via the Internet to identify, analyze and effectuate trades between dealers."

7. Opposer has continuously used the registered trademark "VOLMAX" since at least as early as May 1, 2010.

8. Opposer has become well known to consumers and has received broad recognition for the high quality of its services.

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that a true and complete copy of the foregoing Notice of Opposition has been served via United States Postal Service, First-Class Mail, on this 18th day of September, 2012, on:

APPLICANT:

ValMark Securities, Inc.
130 Springside Drive, Suite 300
Akron, OH 44333

ATTORNEY OF RECORD FOR APPLICANT:

Roger D. Emerson, Esq.
Emerson Thomson Bennett
1914 Akron Peninsula Road
Akron, OH 44313-4810

By: _____/JBK/
Jeremy B. Kaplan, Esq.

CERTIFICATE OF FILING

I hereby certify that this correspondence, including all enclosures and attachments, is being transmitted to the United States Patent and Trademark Office, Trademark Trial and Appeal Board, via the ESTTA procedure on September 18, 2012.

By: _____/JBK/
Jeremy B. Kaplan, Esq.