

ESTTA Tracking number: **ESTTA580084**

Filing date: **01/06/2014**

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	Enterprise Holdings, Inc.
Granted to Date of previous extension	03/05/2014
Address	600 Corporate Drive St. Louis, MO 63105 UNITED STATES
Attorney information	ANDREA ANDERSON HOLLAND & HART LLP PO BOX 8749ATTN: TRADEMARK DOCKETING DENVER, CO 80201 UNITED STATES docket@hollandhart.com, aanderson@hollandhart.com, kmorita@hollandhart.com, lmroot@hollandhart.com

Applicant Information

Application No	79114543	Publication date	11/05/2013
Opposition Filing Date	01/06/2014	Opposition Period Ends	03/05/2014
International Registration No.	1120338	International Registration Date	04/19/2012
Applicant	Obshchestvo s ogranichennoy otvetstvennostyu "Major Express" Festivalnaya str., 44 RU-125414 Moscow, RUX RUX		

Goods/Services Affected by Opposition

Class 036. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Financial analysis; hire-purchase financing; financial information; financial consultancy; financial management
Class 039. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Air transport; message delivery; parceldelivery; delivery of goods; traffic information; transportation information; providing information about storage of goods; truck hauling; ferry-boat transport; barge transport; lighterage services; freight services, namely, shipping of goods; bus transport; car transport; boat transport; railway transport; marine transport; river transport; stevedoring; unloading cargo; rental of warehouses; wrapping services for baggage protection during travel; courier services; franking of mail; freighting; storage of goods; warehousing; freight forwarding

Grounds for Opposition

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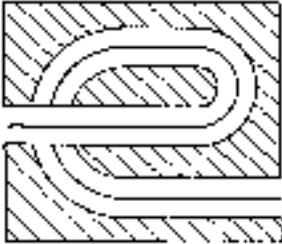
Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	2136409	Application Date	10/01/1990
Registration Date	02/17/1998	Foreign Priority Date	NONE
Word Mark	E		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 035. First use: First Use: 1967/02/15 First Use In Commerce: 1967/02/15 automobile fleet management services</p> <p>Class 037. First use: First Use: 1967/02/15 First Use In Commerce: 1967/02/15 [telephone installation and repair services;] automobile repair services</p> <p>Class 038. First use: First Use: 1988/02/01 First Use In Commerce: 1988/02/01 [telephone leasing services]</p> <p>Class 039. First use: First Use: 1967/02/15 First Use In Commerce: 1967/02/15 short term rental services of automobiles and trucks; automobile leasing services</p> <p>Class 042. First use: First Use: 1967/02/15 First Use In Commerce: 1967/02/15 [retail outlet services in the field of telephones;] automobile dealership services</p>		

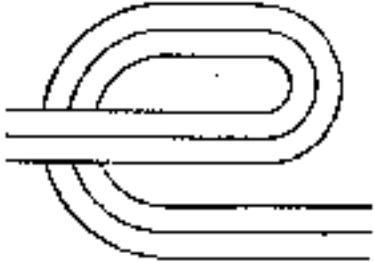
U.S. Registration No.	925251	Application Date	03/16/1970
Registration Date	12/07/1971	Foreign Priority Date	NONE
Word Mark	E		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 035. First use: First Use: 1967/02/15 First Use In Commerce: 1967/02/15 RETAIL AUTOMOBILE SALES SERVICES</p> <p>Class U100 (International Class 035, 036, 037, 038, 039, 040, 041, 042). First use: First Use: 1967/02/15 First Use In Commerce: 1967/02/15 [AUTOMOBILE LEASING SERVICES]</p>		

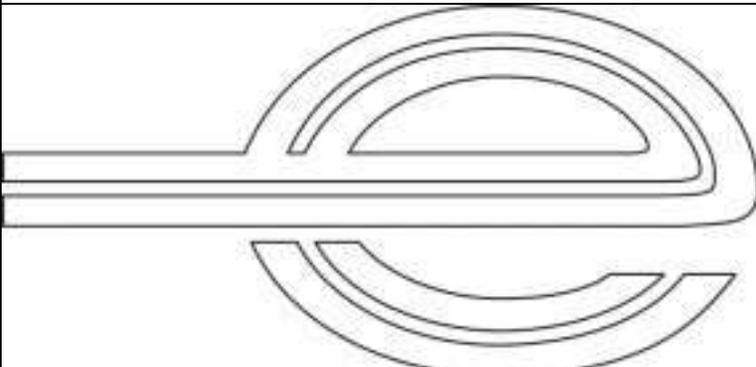
U.S. Registration No.	1045085	Application Date	10/02/1974
Registration Date	07/27/1976	Foreign Priority	NONE

		Date	
Word Mark	E		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 039. First use: First Use: 1967/02/15 First Use In Commerce: 1967/02/15 SHORT-TERM RENTAL SERVICES OF AUTOMOBILES AND TRUCKS		

U.S. Registration No.	1864905	Application Date	12/06/1993
Registration Date	11/29/1994	Foreign Priority Date	NONE
Word Mark	E		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 035. First use: First Use: 1967/02/15 First Use In Commerce: 1967/02/15 automotive fleet management services</p> <p>Class 037. First use: First Use: 1967/02/15 First Use In Commerce: 1967/02/15 automotive repair services [and telephone installation and repair services]</p> <p>Class 038. First use: First Use: 1988/02/01 First Use In Commerce: 1988/02/01 [telephone leasing services]</p> <p>Class 039. First use: First Use: 1967/02/15 First Use In Commerce: 1967/02/15 rental and leasing services of automobiles and trucks</p> <p>Class 042. First use: First Use: 1967/02/15 First Use In Commerce: 1967/02/15 [retail outlet services in the field of telephones, and] automotive dealership services</p>		

U.S. Registration No.	1875518	Application Date	12/06/1993
Registration Date	01/24/1995	Foreign Priority	NONE

		Date	
Word Mark	E		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 035. First use: First Use: 1967/02/15 First Use In Commerce: 1967/02/15 automotive fleet management services</p> <p>Class 037. First use: First Use: 1967/02/15 First Use In Commerce: 1967/02/15 [automotive repair services and telephone installation and repair services]</p> <p>Class 038. First use: First Use: 1988/02/01 First Use In Commerce: 1988/02/01 [telephone leasing services]</p> <p>Class 039. First use: First Use: 1967/02/15 First Use In Commerce: 1967/02/15 rental and leasing services of automobiles and trucks</p> <p>Class 042. First use: First Use: 1967/02/15 First Use In Commerce: 1967/02/15 [retail outlet services in the field of telephones, automotive dealership services]</p>		

U.S. Registration No.	4054938	Application Date	09/09/2010
Registration Date	11/15/2011	Foreign Priority Date	NONE
Word Mark	E		
Design Mark			
Description of Mark	The mark consists of a stylized version of the letter "e".		
Goods/Services	<p>Class 012. First use: First Use: 2007/10/31 First Use In Commerce: 2007/10/31 vehicles, namely, automobiles, trucks, cars, land vehicles</p> <p>Class 035. First use: First Use: 2007/10/31 First Use In Commerce: 2007/10/31 vehicle dealership services, namely, dealerships in the field of automobiles, trucks, cars, land vehicles; vehicle fleet management services, namely, tracking and monitoring vehicles for commercial purposes, and business consultation services relating to the management of a fleet of vehicles for commercial</p>		

	<p>purposes</p> <p>Class 036. First use: First Use: 2007/10/31 First Use In Commerce: 2007/10/31 vehicle fleet management services, namely, facilitating and arranging for financing, and insurance agency services in the fields of liability, collision, and comprehensive insurance, of vehicles for others</p> <p>Class 037. First use: First Use: 2007/10/31 First Use In Commerce: 2007/10/31 vehicle repair services; vehicle fleet management services, namely, vehicle repair and maintenance</p> <p>Class 039. First use: First Use: 2007/10/31 First Use In Commerce: 2007/10/31 vehicle rental and leasing services; and reservation services for the rental and leasing of vehicles, namely, rental reservations for automobiles, trucks, cars, land vehicles</p>
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U.S. Registration No.	3503173	Application Date	08/23/2006
Registration Date	09/16/2008	Foreign Priority Date	NONE

Word Mark	E
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Design Mark	
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Description of Mark	The mark consists of a green and white letter "E" in a green square.
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Goods/Services	<p>Class 012. First use: First Use: 2007/10/31 First Use In Commerce: 2007/10/31 vehicles, namely, automobiles, trucks, cars, land vehicles</p> <p>Class 035. First use: First Use: 2007/10/31 First Use In Commerce: 2007/10/31 vehicle dealership services, namely, dealerships in the field of automobiles, trucks, cars, land vehicles; vehicle fleet management services, namely, tracking and monitoring vehicles for commercial purposes, and business consultation services relating to the management of a fleet of vehicles for commercial purposes</p> <p>Class 036. First use: First Use: 2007/10/31 First Use In Commerce: 2007/10/31 vehicle fleet management services, namely, facilitating and arranging for financing, and insurance agency services in the fields of liability, collision, and comprehensive insurance of vehicles for others</p> <p>Class 037. First use: First Use: 2007/10/31 First Use In Commerce: 2007/10/31 vehicle repair services; vehicle fleet management services, namely, vehicle repair and maintenance</p> <p>Class 039. First use: First Use: 2007/10/31 First Use In Commerce: 2007/10/31 vehicle rental and leasing services; and reservation services for the rental and leasing of vehicles, namely, rental reservations for automobiles, trucks, cars, land vehicles</p>
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U.S. Registration	3679720	Application Date	03/02/2009
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No.			
Registration Date	09/08/2009	Foreign Priority Date	NONE
Word Mark	E		
Design Mark			
Description of Mark	The mark consists of the letter "E" in green.		
Goods/Services	Class 039. First use: First Use: 2007/04/30 First Use In Commerce: 2007/04/30 vehicle rental and leasing services; and reservation services for the rental and leasing of vehicles		

U.S. Registration No.	3808480	Application Date	08/26/2009
Registration Date	06/22/2010	Foreign Priority Date	NONE
Word Mark	E		
Design Mark			
Description of Mark	The mark consists of the color white which appears in the outer and inner borders of the letter "e". The color green appears in a darker shade in the bottom half of the rectangle and between the white borders in the bottom half of the letter "e". The color green appears in a lighter shade in the upper half of the rectangle and between the white borders in the upper half of the letter "e".		
Goods/Services	Class 039. First use: First Use: 2009/11/10 First Use In Commerce: 2009/11/10 vehicle rental and leasing services and reservation services for the rental and leasing of vehicles		

U.S. Registration No.	4054940	Application Date	09/09/2010
Registration Date	11/15/2011	Foreign Priority Date	NONE
Word Mark	E		



Description of Mark	The mark consists of a stylized version of the letter "E", which appears on a contrasting shaded background of a rectangular-shaped carrier design.
Goods/Services	<p>Class 012. First use: First Use: 2007/10/31 First Use In Commerce: 2007/10/31 vehicles, namely, automobiles, trucks, cars, land vehicles</p> <p>Class 035. First use: First Use: 2007/10/31 First Use In Commerce: 2007/10/31 vehicle dealership services, namely, dealerships in the field of automobiles, trucks, cars, land vehicles; vehicle fleet management services, namely, tracking and monitoring vehicles for commercial purposes, and business consultation services relating to the management of a fleet of vehicles for commercial purposes</p> <p>Class 036. First use: First Use: 2007/10/31 First Use In Commerce: 2007/10/31 vehicle fleet management services, namely, facilitating and arranging for financing, and insurance agency services in the fields of liability, collision, and comprehensive insurance, of vehicles for others</p> <p>Class 037. First use: First Use: 2007/10/31 First Use In Commerce: 2007/10/31 vehicle repair services; vehicle fleet management services, namely, vehicle repair and maintenance</p> <p>Class 039. First use: First Use: 2007/10/31 First Use In Commerce: 2007/10/31 vehicle rental and leasing services; and reservation services for the rental and leasing of vehicles, namely, rental reservations for automobiles, trucks, cars, land vehicles</p>

U.S. Registration No.	2190147	Application Date	03/16/1992
Registration Date	09/22/1998	Foreign Priority Date	NONE
Word Mark	E ENTERPRISE		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 035. First use: First Use: 1969/12/31 First Use In Commerce: 1969/12/31 automobile fleet management services</p> <p>Class 037. First use: First Use: 1969/12/31 First Use In Commerce: 1969/12/31 [automobile repair services]</p> <p>Class 039. First use: First Use: 1969/12/31 First Use In Commerce: 1969/12/31 short term rental services of automobiles and trucks; automobile leasing services</p> <p>Class 042. First use: First Use: 1969/12/31 First Use In Commerce: 1969/12/31 automobile dealership services</p>		

U.S. Registration No.	3479308	Application Date	07/27/2007
Registration Date	08/05/2008	Foreign Priority Date	NONE
Word Mark	ENTERPRISE		
Design Mark			
Description of Mark	The mark consists of a green square, and the letter "E" is in white and green in the green square and the literal element "NTERPRISE" in white outlined by black to the right of the green square.		
Goods/Services	Class 039. First use: First Use: 2007/05/14 First Use In Commerce: 2007/05/14 vehicle rental and leasing services; and reservation services for the rental and leasing of vehicles, namely, rental reservations for automobiles, trucks, cars, land vehicles		

U.S. Registration No.	3490649	Application Date	08/23/2006
Registration Date	08/19/2008	Foreign Priority Date	NONE
Word Mark	ENTERPRISE		
Design Mark			
Description of Mark	The mark consists of a green square to the left of a black rectangle. The letter "E" is white and green. The literal element "NTERPRISE" is white.		
Goods/Services	<p>Class 012. First use: First Use: 2007/10/31 First Use In Commerce: 2007/10/31 vehicles, namely, automobiles, trucks, cars, land vehicles</p> <p>Class 035. First use: First Use: 2007/10/31 First Use In Commerce: 2007/10/31 vehicle dealership services, namely, dealerships in the field of automobiles, trucks, cars, land vehicles; vehicle fleet management services, namely, tracking and monitoring vehicles for commercial purposes, and business consultation services relating to the management of a fleet of vehicles for commercial purposes</p> <p>Class 037. First use: First Use: 2007/10/31 First Use In Commerce: 2007/10/31 vehicle repair services; vehicle fleet management services, namely, vehicle repair and maintenance</p> <p>Class 039. First use: First Use: 2007/10/31 First Use In Commerce: 2007/10/31 vehicle rental and leasing services; and reservation services for the rental and leasing of vehicles, namely, rental reservations for automobiles, trucks, cars, land vehicles</p>		

U.S. Registration	3581022	Application Date	12/22/2006
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No.			
Registration Date	02/24/2009	Foreign Priority Date	NONE
Word Mark	ENTERPRISE		
Design Mark			
Description of Mark	The mark consists of a white letter "e" on a grey square field and a white "nterprise" on a black rectangular field, which is positioned to the right of the grey field.		
Goods/Services	<p>Class 035. First use: First Use: 2007/02/01 First Use In Commerce: 2007/02/01 vehicle dealership services, namely, dealerships in the field of automobiles, trucks, cars, land vehicles; vehicle fleet management services, namely, tracking and monitoring vehicles for commercial purposes, and business consultation services relating to the management of a fleet of vehicles for commercial purposes</p> <p>Class 037. First use: First Use: 2007/07/20 First Use In Commerce: 2007/07/20 vehicle repair services; vehicle fleet management services, namely, vehicle repair and maintenance</p> <p>Class 039. First use: First Use: 2007/01/26 First Use In Commerce: 2007/01/26 vehicle rental and leasing services; and reservation services for the rental and leasing of vehicles, namely, rental reservations for automobiles, trucks, cars, land vehicles</p>		

U.S. Registration No.	3679466	Application Date	02/24/2009
Registration Date	09/08/2009	Foreign Priority Date	NONE
Word Mark	ENTERPRISE		
Design Mark			
Description of Mark	The mark consists of a green square, and the letter "E" is in white and green in the green square and the literal element "NTERPRISE" is in black to the right of the green square.		
Goods/Services	Class 039. First use: First Use: 2007/11/01 First Use In Commerce: 2007/11/01 vehicle rental and leasing services; and reservation services for the rental and leasing of vehicles, namely, rental reservations for automobiles, trucks, cars, land vehicles		

U.S. Registration No.	3747138	Application Date	12/22/2006
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Registration Date	02/09/2010	Foreign Priority Date	NONE
Word Mark	ENTERPRISE		
Design Mark			
Description of Mark	The mark consists of a white letter "e" on a dark square field and a black "nterprise" on a white rectangular field to the right of the dark field.		
Goods/Services	<p>Class 035. First use: First Use: 2007/02/01 First Use In Commerce: 2007/02/01 vehicle dealership services, namely, dealerships in the field of automobiles, trucks, cars, land vehicles; vehicle fleet management services, namely, tracking and monitoring vehicles for commercial purposes, and business consultation services relating to the management of a fleet of vehicles for commercial purposes</p> <p>Class 039. First use: First Use: 2006/11/06 First Use In Commerce: 2006/11/06 vehicle rental and leasing services; and reservation services for the rental and leasing of vehicles, namely, rental reservations for automobiles, trucks, cars, land vehicles</p>		

Attachments	72354153#TMSN.gif(bytes) 73033536#TMSN.gif(bytes) 74465251#TMSN.gif(bytes) 74465260#TMSN.gif(bytes) 85125599#TMSN.jpeg(bytes) 78958766#TMSN.jpeg(bytes) 77681395#TMSN.jpeg(bytes) 77812754#TMSN.jpeg(bytes) 85125611#TMSN.jpeg(bytes) 77240964#TMSN.jpeg(bytes) 78958771#TMSN.jpeg(bytes) 77070178#TMSN.jpeg(bytes) 77677111#TMSN.jpeg(bytes) 77070181#TMSN.jpeg(bytes) eCOURIER NOO.pdf(132096 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	/Andrea Anderson/
Name	ANDREA ANDERSON
Date	01/06/2014

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

Enterprise Holdings, Inc., Opposer, v. Obshchestvo s ogranichennoy otvetstvennostyu "Major Express", Applicant.	Opposition No.: Mark: eCOURIER (stylized) Serial No.: 79-114543
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NOTICE OF OPPOSITION

Enterprise Holdings, Inc. (“Opposer”), a corporation of the state of Missouri, having a principal place of business at 600 Corporate Park Drive, St. Louis, Missouri 63105, believes that it will be damaged by the registration of the mark eCOURIER (stylized) shown in U.S.

Trademark Application Serial No. 79-114543 for the following services in Classes 36 and 39 (“the Application”), and hereby opposes the Application in the following classes only:

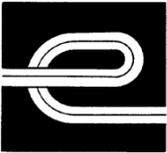
Class 36: Financial analysis; hire-purchase financing; financial information; financial consultancy; financial management

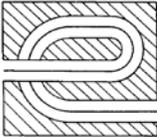
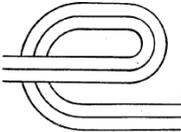
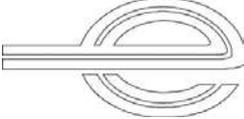
Class 39: Air transport; message delivery; parcel delivery; delivery of goods; traffic information; transportation information; providing information about storage of goods; truck hauling; ferry-boat transport; barge transport; lighterage services; freight services, namely, shipping of goods; bus transport; car transport; boat transport; railway transport; marine transport; river transport; stevedoring; unloading cargo; rental of warehouses; wrapping services for baggage protection during travel; courier services; franking of mail; freighting; storage of goods; warehousing; freight forwarding

As grounds for its opposition, Opposer alleges that, upon actual knowledge with respect to itself and its own actions, and upon information and belief as to other matters:

Opposer and its E Marks

1. Opposer is one of the leading providers of vehicle rental services in the United States.
2. Since at least as early as 1967, Opposer has used the E mark in connection with vehicle rental, leasing, sales, and repair services.
3. Since at least as early as 1969, Opposer has used a composite mark consisting of a stylized E and its ENTERPRISE house mark in connection with these same services.
4. In addition, since at least as early as 2007, Opposer has used the E mark in connection with financing services for its vehicles.
5. Opposer owns several United States trademark registrations for its E and E Enterprise marks (collectively, the “E Marks”), including the following registrations:

MARK	GOODS / SERVICES	REG. NO.	REG. DATE
E	Class 35: Automobile fleet management services Class 37: Automobile repair services Class 39: Short term rental services of automobiles and trucks; automobile leasing services Class 42: Automobile dealership services	2,136,409	2/17/1998
	Class 45: Retail automobile sales services	925,251	12/7/1971
	Class 39: Short-term rental services of automobiles and trucks	1,045,085	7/27/1976

MARK	GOODS / SERVICES	REG. NO.	REG. DATE
	<p>Class 35: Automotive fleet management services</p> <p>Class 37: Automotive repair services</p> <p>Class 39: Rental and leasing services of automobiles and trucks</p> <p>Class 42: Automotive dealership services</p>	1,864,905	11/29/1994
	<p>Class 35: Automotive fleet management services</p> <p>Class 39: Rental and leasing services of automobiles and trucks</p>	1,875,518	1/24/1995
	<p>Class 12: Vehicles, namely, automobiles, trucks, cars, land vehicles</p> <p>Class 35: Vehicle dealership services, namely, dealerships in the field of automobiles, trucks, cars, land vehicles; vehicle fleet management services, namely, tracking and monitoring vehicles for commercial purposes, and business consultation services relating to the management of a fleet of vehicles for commercial purposes</p> <p>Class 36: Vehicle fleet management services, namely, facilitating and arranging for financing, and insurance agency services in the fields of liability, collision, and comprehensive insurance, of vehicles for others</p> <p>Class 37: Vehicle repair services; vehicle fleet management services, namely, vehicle repair and maintenance</p> <p>Class 39: Vehicle rental and leasing services; and reservation services for the rental and leasing of vehicles, namely, rental reservations for automobiles, trucks, cars, land vehicles</p>	4,054,938	11/15/2011

MARK	GOODS / SERVICES	REG. NO.	REG. DATE
	<p>Class 12: Vehicles, namely, automobiles, trucks, cars, land vehicles</p> <p>Class 35: Vehicle dealership services, namely, dealerships in the field of automobiles, trucks, cars, land vehicles; vehicle fleet management services, namely, tracking and monitoring vehicles for commercial purposes, and business consultation services relating to the management of a fleet of vehicles for commercial purposes</p> <p>Class 36: Vehicle fleet management services, namely, facilitating and arranging for financing, and insurance agency services in the fields of liability, collision, and comprehensive insurance of vehicles for others</p> <p>Class 37: Vehicle repair services; vehicle fleet management services, namely, vehicle repair and maintenance</p> <p>Class 39: Vehicle rental and leasing services; and reservation services for the rental and leasing of vehicles, namely, rental reservations for automobiles, trucks, cars, land vehicles</p>	3,503,173	09/16/2008
	<p>Class 39: Vehicle rental and leasing services; and reservation services for the rental and leasing of vehicles</p>	3,679,720	09/08/2009
	<p>Class 39: Vehicle rental and leasing services and reservation services for the rental and leasing of vehicles</p>	3,808,480	06/22/2010

MARK	GOODS / SERVICES	REG. NO.	REG. DATE
	<p>Class 12: Vehicles, namely, automobiles, trucks, cars, land vehicles</p> <p>Class 35: Vehicle dealership services, namely, dealerships in the field of automobiles, trucks, cars, land vehicles; vehicle fleet management services, namely, tracking and monitoring vehicles for commercial purposes, and business consultation services relating to the management of a fleet of vehicles for commercial purposes</p> <p>Class 36: Vehicle fleet management services, namely, facilitating and arranging for financing, and insurance agency services in the fields of liability, collision, and comprehensive insurance, of vehicles for others</p> <p>Class 37: Vehicle repair services; vehicle fleet management services, namely, vehicle repair and maintenance</p> <p>Class 39: Vehicle rental and leasing services; and reservation services for the rental and leasing of vehicles, namely, rental reservations for automobiles, trucks, cars, land vehicles</p>	4,054,940	11/15/2011
E ENTERPRISE	<p>Class 35: Automobile fleet management services</p> <p>Class 39: Short term rental services of automobiles and trucks; automobile leasing services</p> <p>Class 42: Automobile dealership services</p>	2,190,147	9/22/1998
	<p>Class 39: Vehicle rental and leasing services; and reservation services for the rental and leasing of vehicles, namely, rental reservations for automobiles, trucks, cars, land vehicles</p>	3,479,308	8/5/2008

MARK	GOODS / SERVICES	REG. NO.	REG. DATE
	<p>Class 12: Vehicles, namely, automobiles, trucks, cars, land vehicles</p> <p>Class 35: Vehicle dealership services, namely, dealerships in the field of automobiles, trucks, cars, land vehicles; vehicle fleet management services, namely, tracking and monitoring vehicles for commercial purposes, and business consultation services relating to the management of a fleet of vehicles for commercial purposes</p> <p>Class 37: Vehicle repair services; vehicle fleet management services, namely, vehicle repair and maintenance</p> <p>Class 39: Vehicle rental and leasing services; and reservation services for the rental and leasing of vehicles, namely, rental reservations for automobiles, trucks, cars, land vehicles</p>	3,490,649	8/19/2008
	<p>Class 35: Vehicle dealership services, namely, dealerships in the field of automobiles, trucks, cars, land vehicles; vehicle fleet management services, namely, tracking and monitoring vehicles for commercial purposes, and business consultation services relating to the management of a fleet of vehicles for commercial purposes</p> <p>Class 37: Vehicle repair services; vehicle fleet management services, namely, vehicle repair and maintenance</p> <p>Class 39: Vehicle rental and leasing services; and reservation services for the rental and leasing of vehicles, namely, rental reservations for automobiles, trucks, cars, land vehicles</p>	3,581,022	2/24/2009
	<p>Class 39: Vehicle rental and leasing services; and reservation services for the rental and leasing of vehicles, namely, rental reservations for automobiles, trucks, cars, land vehicles</p>	3,679,466	9/8/2009

MARK	GOODS / SERVICES	REG. NO.	REG. DATE
	<p>Class 35: Vehicle dealership services, namely, dealerships in the field of automobiles, trucks, cars, land vehicles; vehicle fleet management services, namely, tracking and monitoring vehicles for commercial purposes, and business consultation services relating to the management of a fleet of vehicles for commercial purposes</p> <p>Class 39: Vehicle rental and leasing services; and reservation services for the rental and leasing of vehicles, namely, rental reservations for automobiles, trucks, cars, land vehicles</p>	3,747,138	2/9/2010

6. These registrations are valid and subsisting, and therefore constitute prima facie evidence of the validity of the mark and registrations, and of Opposer's ownership of and exclusive right to use its E Marks in connection with the services set forth in the registrations. The registrations also provide constructive notice of Opposer's ownership of its E Marks.

7. Registration Nos. 2136409, 925251, 1405085, 1864905, 1875518, and 2190147 are incontestable pursuant to 15 U.S.C. §§ 1065 and 1115(b), and therefore constitute conclusive evidence of the validity of the marks and registrations and of Opposer's exclusive right to use the marks with the services set forth in the registrations.

8. As a result of Opposer's long use and substantial advertising and promotion, its E Marks have become famous.

COUNT I
Likelihood of Confusion
Lanham Act Section 2(d)
15 U.S.C. §1052(d)

9. Opposer repeats and realleges the allegations set forth in the preceding paragraphs of the Notice of Opposition.

10. Opposer has used its E Marks prior to the filing date of the Application, and its registrations for its E Marks were issued prior to the filing date of the Application.

11. Applicant's eCOURIER mark so resembles Opposer's prior used and prior registered E Marks as to be likely when used in connection with Applicant's services to cause confusion or to cause mistake, or to deceive under section 2(d) of the Lanham Act, as amended, 15 U.S.C. § 1052(d).

WHEREFORE, Opposer respectfully requests that the eCOURIER mark shown in the Application be refused registration and that the opposition be sustained.

The filing fee in the amount of \$600 is being transmitted electronically with this submission. Any deficiency in the fee should be charged to Deposit Account No. 08-2623.

Dated this 6th day of January, 2014.

Respectfully submitted,



Andrea Anderson
Kazuyo Morita
HOLLAND & HART LLP
One Boulder Plaza
1800 Broadway, Suite 300
Boulder, CO 80302
(303) 473-2861 (phone)
(303) 473-2720 (fax)
AAnderson@hollandhart.com
KMorita@hollandhart.com

**Attorneys for Opposer
Enterprise Holdings, Inc.**

CERTIFICATE OF SERVICE

I certify that on January 6, 2014, I served a copy of the above NOTICE OF OPPOSITION to the following by:

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Obshchestvo s ogranichennoy; otvetstvennostyu; "Major Express"
Festivalnaya str., 44
RU-125414 Moscow
Russian Federation

and

Oleg N. Boyko
Stary Petrovsko-Razumovsky,
proyezd, 6, bld.1, kv.39
RU-127083 Moscow
Russian Federation