

ESTTA Tracking number: **ESTTA610698**

Filing date: **06/18/2014**

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 | Rapid Funding LLC | | |
| Entity | limited liability company | Citizenship | Colorado |
| Address | 200 Spruce Street, Ste. 200 Denver, CO 80230 UNITED STATES | | |

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| Attorney information | Jill M. Jacobs Hatch Ray Olsen Sandberg LLC 730 17th Street, Ste. 200 Denver, CO 80202 UNITED STATES jjacobs@hatchlawyers.com Phone:(303) 298-1800 | | |
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Applicant Information

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|------------------------|--|------------------------|------------|
| Application No | 86111998 | Publication date | 06/10/2014 |
| Opposition Filing Date | 06/18/2014 | Opposition Period Ends | 07/10/2014 |
| Applicant | Rapid Capital Funding LLC 11900 Biscayne Blvd Suite 201 Miami, FL 33181 UNITED STATES | | |

Goods/Services Affected by Opposition

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| Class 036. First Use: 2007/06/01 First Use In Commerce: 2007/06/01 All goods and services in the class are opposed, namely: Financial analysis and consultation; Financial services, namely, money lending; Financing and loan services; Providing financial consultation services to small businesses |
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Grounds for Opposition

| | |
|--------------------------------------|-------------------------------|
| Priority and likelihood of confusion | Trademark Act section 2(d) |
| The mark is merely descriptive | Trademark Act section 2(e)(1) |

Marks Cited by Opposer as Basis for Opposition

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|-----------------------|---------------|-----------------------|------------|
| U.S. Registration No. | 2656451 | Application Date | 02/06/2002 |
| Registration Date | 12/03/2002 | Foreign Priority Date | NONE |
| Word Mark | RAPID FUNDING | | |

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|---------------------|---|
| Design Mark |  |
| Description of Mark | NONE |
| Goods/Services | Class 036. First use: First Use: 2000/12/15 First Use In Commerce: 2000/12/15 Financial services, namely, loan financing, real estate and accounts receivable lease lending and mortgage lending |

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|------------------------------------|--|------------------|------|
| U.S. Application/ Registration No. | NONE | Application Date | NONE |
| Registration Date | NONE | | |
| Design Mark |  | | |
| Goods/Services | Financial services, namely money lending, loan financing, real estate and non-real estate lending, financial consulting. | | |

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| Attachments | 76368321#TMSN.gif(bytes) Notice of Opposition (00157537).pdf(19801 bytes) Rapid Funding logo 1 (00157538).jpg |
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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.

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|-----------|------------------|
| Signature | /Jill M. Jacobs/ |
| Name | Jill M. Jacobs |
| Date | 06/18/2014 |

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

In the matter of trademark application Serial No. 86111998
For the mark Rapid Capital Funding
Published in the Official Gazette on June 10, 2014

Rapid Funding LLC, a Colorado limited liability company,

Opposer

v.

Rapid Capital Funding LLC, a Florida limited liability company,

Applicant

NOTICE OF OPPOSITION

Rapid Funding LLC, a Colorado limited liability company
200 Spruce Street, Ste. 200
Denver, Colorado 80230

The above-identified Opposer believes that it will be damaged by registration of the mark shown in the above-identified application, and hereby opposes the same.

The grounds for opposition are as follows:

1. On December 18, 2000, Rapid Funding LLC (“Rapid Funding”) filed its articles of organization with the Colorado Secretary of State.
2. On or before December 18, 2000, Rapid Funding began using its mark in commerce.
3. On February 6, 2002, Rapid Funding filed a trademark application with the United States Patent and Trademark Office for its mark.
4. Rapid Funding’s trademark was registered on December 3, 2002 at Serial Number 76368321.¹

¹ A new registration for Rapid Funding’s mark will be filed immediately as it was inadvertently not renewed in 2013.

5. Between December 18, 2000 and the present, Rapid Funding has regularly and routinely engaged in financial services, namely money lending, financial consulting, financing and loan services in commerce throughout the United States using its mark.

6. Rapid Funding recently learned that Applicant, who goes by the name of "Rapid Capital Funding" is providing almost identical services to those provided by Rapid Funding.

7. Applicant states on its trademark application that it began using its mark on June 1, 2007, well after Rapid Funding began use of its name in commerce on December 18, 2000.

8. Applicant's name is similar in sight, sound and meaning to the name Rapid Funding.

9. The parties' respective services are so similar that confusion is likely.

10. Rapid Funding has received complaints of actual confusion from its current and prospective clients due to Applicant's deceptively similar use of its name for identical and similar services.

11. Pursuant to its common law rights, Rapid Funding opposes registration of Applicant's mark based on a likelihood of confusion.

12. Pursuant to Section 2(d) of the Lanham Act, Rapid Funding opposes registration of Applicant's mark based on a likelihood of confusion.

13. Moreover, Applicant's name is merely descriptive as prohibited by Section 2(e) of the Lanham Act.

14. Rapid Funding is being damaged and will continue to be damaged as a result of Applicant's use of its name in commerce.

15. Rapid Funding will be further damaged if Applicant is allowed to register its name with the United States Patent and Trademark Office.

Respectfully submitted this ____ day of June, 2014

HATCH RAY OLSEN SANDBERG LLC

By: /Jill M. Jacobs/
Jill M. Jacobs
Attorneys for Opposer