

ESTTA Tracking number: **ESTTA703424**

Filing date: **10/20/2015**

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	Council of Better Business Bureaus, Inc.
Granted to Date of previous extension	10/21/2015
Address	3033 Wilson Blvd, Suite 600 Arlington, VA 22201-3683 UNITED STATES
Attorney information	John L. Beard Butzel Long 1747 Pennsylvania Ave NW Suite 300 Washington, DC 20006 UNITED STATES trademark@butzel.com, glime@butzel.com

**Applicant Information**

Application No	86513286	Publication date	06/23/2015
Opposition Filing Date	10/20/2015	Opposition Period Ends	10/21/2015
Applicant	Serna, Frank Rufus 11871 Jamestown St NE Blaine, MN 55449 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 035. First Use: 2014/03/18 First Use In Commerce: 2014/03/18 All goods and services in the class are opposed, namely: Business enquiries and investigations; Business information and inquiries
---

**Grounds for Opposition**

Priority and likelihood of confusion	Trademark Act section 2(d)
--------------------------------------	----------------------------

**Marks Cited by Opposer as Basis for Opposition**

U.S. Registration No.	971579	Application Date	01/24/1972
Registration Date	10/23/1973	Foreign Priority Date	NONE
Word Mark	BETTER BUSINESS BUREAU		
Design Mark			
Description of	NONE		

Mark	
Goods/Services	Class 035. First use: First Use: 1927/10/00 First Use In Commerce: 1927/10/00 INVESTIGATIVE AND INFORMATION SERVICES RELATIVE TO BUSINESS AND TRADE PRACTICES FOR PROTECTING RESPONSIBLE BUSINESS AGAINST ABUSIVE BUSINESS PRACTICES AND FOR ESTABLISHING AND MAINTAINING LEGITIMATE ADVERTISING AND MERCHANDISING PRACTICES

U.S. Registration No.	969847	Application Date	01/24/1972
Registration Date	10/02/1973	Foreign Priority Date	NONE
Word Mark	BETTER BUSINESS BUREAU		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 200. First use: First Use: 1927/10/00 First Use In Commerce: 1927/10/00 INDICATING MEMBERSHIP IN APPLICANT		

Attachments	Better Business Bureau Opposition.pdf(611195 bytes )
-------------	--

### 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	/John L. Beard/
Name	John L. Beard
Date	10/20/2015



practices and for establishing and maintaining legitimate advertising and merchandizing practices”. For more than 100 years, Better Business Bureau services have been helping people find businesses, brands, and charities they can trust. In 2014, consumers have turned to Opposer to find free and reliable information on businesses and charities more than 165 million times. Millions of consumers have come to rely upon the BETTER BUSINESS BUREAU mark and services, providing information on more than 4.7 million businesses. The BETTER BUSINESS BUREAU mark is a source of considerable goodwill for Opposer and its members.

2. On January 24, 2015, Applicant filed an application to register the mark BETTER CUSTOMER BUREAU for services identified as, “Business enquiries and investigations; Business information and inquiries” in Class 35, claiming a first use date of March 18, 2014. This application for BETTER CUSTOMER BUREAU was published in the Official Gazette on June 23, 2015.
3. Long prior to the Applicant’s application and use of the BETTER CONSUMER BUREAU mark, Opposer and its predecessors and their members adopted and continuously used the service mark BETTER BUSINESS BUREAU and variants thereof in connection with investigative and information services relative to business and trade practices for protecting responsible businesses and the public against abusive business practices and for establishing and maintaining legitimate advertising and merchandising practices.
4. Opposer is the owner of the following U.S. Trademark Registrations for BETTER BUSINESS BUREAU at the United States Patent Office, with first-use dates of 1927

which greatly precede the application and use dates of the BETTER CUSTOMER BUREAU application, service mark Application Serial No. 86/513,386:

- a. U.S. Trademark Registration No. 971579, for BETTER BUSINESS BUREAU registered October 23, 1973, for “Investigative and information services relative to business and trade practices for protecting responsible business against abusive business practices and for establishing and maintaining legitimate advertising and merchandising practices” in Class 35.
- b. U. S. Trademark Registration No. 969847 for the collective membership mark, BETTER BUSINESS BUREAU (Registration No. 969847), registered on October 2, 1973 indicating membership in Opposer.

A current printout of information from the electronic database records of the USPTO (TSDR) showing the current status and title of each of Opposer’s above listed registrations and the services covered by the registrations are attached hereto as Exhibit A per TBMP § 704.3(b)(1)(A). All of these registrations are owned by Opposer and are in full force and effect.

5. Opposer’s U.S. Trademark Registration Nos. 971579 and 969847 are incontestable pursuant to 15 U.S.C. § 1065 and provide conclusive evidence of Opposer’s ownership of the marks therein and the validity of the marks therein.
6. Opposer has also developed prior common law rights in the BETTER BUSINESS BUREAU mark, including in connection with its Class 35 investigative and informational services, offered long before Applicant’s filing and first use dates for the “BETTER CUSTOMER BUREAU” mark for its “Business enquiries and investigations; Business information and inquiries” services.

7. By virtue of Opposer and its members' long standing efforts, and the expenditure of considerable sums by Opposer and its members for advertising and promotional activities, and by virtue of the excellence and reputation of the investigative and informational services associated with the Opposer's BETTER BUSINESS BUREAU mark, Opposer's BETTER BUSINESS BUREAU mark has become well known and developed substantial goodwill and a valuable reputation with businesses and consumers.
8. The Applicant's "Business enquiries and investigation" services and Opposer's investigative and information services are highly related and offered in the same or related channels of trade.
9. The Opposer's BETTER BUSINESS BRUEAU mark and the Applicant's BETTER CUSTOMER BUREAU mark are confusingly similar in sight, sound and meaning. Consumers and potential consumers are likely to be confused, or to be mistaken, or to be deceived into belief, contrary to fact, that the "Business enquiries and investigation" services, offered in connection with the confusingly similar BETTER CUSTOMER BUREAU mark, are approved or sponsored by, or somehow related to Opposer or its members.
10. Opposer has no control over the nature and quality of the services Applicant provides in connection with the BETTER CUSTOMER BUREAU mark. Consumers who are dissatisfied with the Applicant's services will likely mistakenly blame Opposer, to the risk



**CERTIFICATE OF SERVICE**

I hereby certify that a true and complete copy of the foregoing Notice of Opposition has been served on Frank Rufus Serna by mailing said copy on \_\_10/20/2015\_\_ via First Class Mail, postage prepaid to:

Frank Rufus Serna  
11871 Jamestown St. NE  
Blaine, MN 55449  
[info@bcbureau.org](mailto:info@bcbureau.org)

\_\_\_\_\_/AAG/\_\_\_\_\_  
Ashley A. Glime

# EXHIBIT A

## PRINCIPAL REGISTER Service Mark

Ser. No. 413,475, filed Jan. 24, 1972

## BETTER BUSINESS BUREAU

Council of Better Business Bureaus, Inc. (Delaware corporation)  
845 3rd Ave.  
New York, N.Y. 10022

For: INVESTIGATIVE AND INFORMATION SERVICES RELATIVE TO BUSINESS AND TRADE PRACTICES FOR PROTECTING RESPONSIBLE BUSINESS AGAINST ABUSIVE BUSINESS PRACTICES AND FOR ESTABLISHING AND MAINTAINING LEGITIMATE ADVERTISING AND MERCHANDISING PRACTICES, in CLASS 101 (INT. CL. 35).

First use at least as early as October 1927; in commerce at least as early as October 1927.

Owner of Reg. No. 566,415.

# United States Patent Office

971,579  
Registered Oct. 23, 1973

## PRINCIPAL REGISTER Service Mark

Ser. No. 413,475, filed Jan. 24, 1972

## BETTER BUSINESS BUREAU

Council of Better Business Bureaus, Inc. (Delaware corporation)  
845 3rd Ave.  
New York, N.Y. 10022

For: INVESTIGATIVE AND INFORMATION SERVICES RELATIVE TO BUSINESS AND TRADE PRACTICES FOR PROTECTING RESPONSIBLE BUSINESS AGAINST ABUSIVE BUSINESS PRACTICES AND FOR ESTABLISHING AND MAINTAINING LEGITIMATE ADVERTISING AND MERCHANDISING PRACTICES, in CLASS 101 (INT. CL. 35).

First use at least as early as October 1927; in commerce at least as early as October 1927.

Owner of Reg. No. 566,415.

Int. Cl.: 35

Prior U.S. Cl.: 101

United States Patent and Trademark Office  
10 Year Renewal

Reg. No. 971,579  
Registered Oct. 23, 1973  
Renewal Term Begins Oct. 23, 1993

**SERVICE MARK  
PRINCIPAL REGISTER**

**BETTER BUSINESS BUREAU**

COUNCIL OF BETTER BUSINESS BU-  
REAU, INC. (DELAWARE CORPO-  
RATION)  
4200 WILSON BLVD., SUITE 800  
ARLINGTON, VA 222031804

OWNER OF U.S. REG. NO. 566,415.

FOR: INVESTIGATIVE AND INFOR-  
MATION SERVICES RELATIVE TO  
BUSINESS AND TRADE PRACTICES

FOR PROTECTING RESPONSIBLE  
BUSINESS AGAINST ABUSIVE BUSI-  
NESS PRACTICES AND FOR ESTAB-  
LISHING AND MAINTAINING LEGITI-  
MATE ADVERTISING AND MERCHAN-  
DISING PRACTICES, IN CLASS 101  
(INT. CL. 35).

FIRST USE 10-0-1927; IN COMMERCE  
10-0-1927.

SER. NO. 72-413,475, FILED 1-24-1972.

*In testimony whereof I have hereunto set my hand  
and caused the seal of The Patent and Trademark  
Office to be affixed on Feb. 22, 1994.*

COMMISSIONER OF PATENTS AND TRADEMARKS



**Owner Address:** 3033 WILSON BLVD., SUITE 600  
ARLINGTON, VIRGINIA 22201  
UNITED STATES

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** DELAWARE

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Angela T. Isabell

**Attorney Primary Email Address:** [aisabell@council.bbb.org](mailto:aisabell@council.bbb.org)

**Attorney Email Authorized:** Yes

### Correspondent

**Correspondent Name/Address:** Angela T. Isabell  
Council of Better Business Bureaus, Inc.  
3033 Wilson Blvd, Suite 600  
Legal Department  
Arlington, VIRGINIA 22201-3683  
UNITED STATES

**Phone:** 703-247-9406

**Correspondent e-mail:** [aisabell@council.bbb.org](mailto:aisabell@council.bbb.org)

**Correspondent e-mail Authorized:** Yes

### Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Nov. 19, 2014	ATTORNEY REVOKED AND/OR APPOINTED	
Nov. 19, 2014	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Aug. 07, 2013	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Aug. 07, 2013	REGISTERED AND RENEWED (THIRD RENEWAL - 10 YRS)	64591
Aug. 07, 2013	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	64591
Aug. 05, 2013	TEAS SECTION 8 & 9 RECEIVED	
Aug. 20, 2008	CASE FILE IN TICRS	
Dec. 01, 2003	REGISTERED AND RENEWED (SECOND RENEWAL - 10 YRS)	
Dec. 01, 2003	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Sep. 12, 2003	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
Sep. 12, 2003	PAPER RECEIVED	
Jan. 13, 1994	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	
Dec. 03, 1993	REGISTERED - SEC. 9 FILED/CHECK RECORD FOR SEC. 8	
Aug. 28, 1979	REGISTERED - SEC. 8 (6-YR) ACCEPTED	
Aug. 04, 1981	REGISTERED - SEC. 15 ACKNOWLEDGED	

## Maintenance Filings or Post Registration Information

**Affidavit of Continued Use:** Section 8 - Accepted

**Affidavit of Incontestability:** Section 15 - Accepted

**Renewal Date:** Oct. 23, 2013

## TM Staff and Location Information

### TM Staff Information - None

#### File Location

**Current Location:** GENERIC WEB UPDATE

**Date in Location:** Aug. 07, 2013

**PRINCIPAL REGISTER**  
**Collective Membership Mark**

Ser. No. 413,469, filed Jan. 24, 1972

**BETTER BUSINESS**  
**BUREAU**

Council of Better Business Bureaus, Inc. (Delaware corporation)  
845 3rd Ave.  
New York, N.Y. 10022

For: INDICATING MEMBERSHIP IN APPLICANT,  
in CLASS 200.

First use at least as early as October 1927; in commerce  
at least as early as October 1927.  
Owner of Reg. No. 566,415.

**PRINCIPAL REGISTER**  
**Collective Membership Mark**

Ser. No. 413,469, filed Jan. 24, 1972

**BETTER BUSINESS**  
**BUREAU**

Council of Better Business Bureaus, Inc. (Delaware corporation)  
845 3rd Ave.  
New York, N.Y. 10022

For: INDICATING MEMBERSHIP IN APPLICANT,  
in CLASS 200.

First use at least as early as October 1927; in commerce  
at least as early as October 1927.

Owner of Reg. No. 566,415.

Prior U.S. Cl.: 200

United States Patent and Trademark Office  
10 Year Renewal

Reg. No. 969,847  
Registered Oct. 2, 1973  
Renewal Term Begins Oct. 2, 1993

**COLLECTIVE MEMBERSHIP  
PRINCIPAL REGISTER**

**BETTER BUSINESS BUREAU**

COUNCIL OF BETTER BUSINESS BU-  
REAU, INC. (DELAWARE CORPO-  
RATION)  
4200 WILSON BLVD., SUITE 800  
ARLINGTON, VA 222031804

OWNER OF U.S. REG. NO. 566,415.

FOR: INDICATING MEMBERSHIP IN  
APPLICANT, IN CLASS 200

FIRST USE 10-0-1927; IN COMMERCE  
10-0-1927.

SER. NO. 72-413,469, FILED 1-24-1972.

*In testimony whereof I have hereunto set my hand  
and caused the seal of The Patent and Trademark  
Office to be affixed on Feb. 22, 1994.*

COMMISSIONER OF PATENTS AND TRADEMARKS



**Attorney of Record****Attorney Name:** Angela T. Isabell**Attorney Primary Email Address:** [aisabell@council.bbb.org](mailto:aisabell@council.bbb.org)**Attorney Email Authorized:** Yes**Correspondent****Correspondent Name/Address:** Angela T. Isabell  
Council of Better Business Bureaus, Inc.  
3033 Wilson Blvd, Suite 600  
Legal Department  
Arlington, VIRGINIA 22201-3683  
UNITED STATES**Phone:** 703-247-9406**Correspondent e-mail:** [aisabell@council.bbb.org](mailto:aisabell@council.bbb.org)**Correspondent e-mail Authorized:** Yes**Domestic Representative - Not Found****Prosecution History**

Date	Description	Proceeding Number
Nov. 19, 2014	ATTORNEY REVOKED AND/OR APPOINTED	
Nov. 19, 2014	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Aug. 07, 2013	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Aug. 07, 2013	REGISTERED AND RENEWED (THIRD RENEWAL - 10 YRS)	64591
Aug. 07, 2013	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	64591
Aug. 05, 2013	TEAS SECTION 8 & 9 RECEIVED	
Aug. 13, 2008	CASE FILE IN TICRS	
Dec. 01, 2003	REGISTERED AND RENEWED (SECOND RENEWAL - 10 YRS)	
Dec. 01, 2003	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Sep. 12, 2003	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
Sep. 12, 2003	PAPER RECEIVED	
Jan. 13, 1994	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	
Dec. 03, 1993	REGISTERED - SEC. 9 FILED/CHECK RECORD FOR SEC. 8	
Aug. 28, 1979	REGISTERED - SEC. 8 (6-YR) ACCEPTED	
Jun. 09, 1981	REGISTERED - SEC. 15 ACKNOWLEDGED	

**Maintenance Filings or Post Registration Information****Affidavit of Continued Use:** Section 8 - Accepted**Affidavit of Incontestability:** Section 15 - Accepted**Renewal Date:** Oct. 02, 2013**TM Staff and Location Information****TM Staff Information - None****File Location****Current Location:** GENERIC WEB UPDATE**Date in Location:** Aug. 07, 2013