

ESTTA Tracking number: **ESTTA149175**

Filing date: **07/03/2007**

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	Great American Insurance Company
Granted to Date of previous extension	07/04/2007
Address	580 Walnut Street Cincinnati, OH 45202 UNITED STATES

Attorney information	Patricia B. Hogan Keating Muething & Klekamp PLL One East Fourth Street Suite 1400 Cincinnati, OH 45202 UNITED STATES trademarks@kmmklaw.com Phone:5135796959
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Applicant Information

Application No	78770105	Publication date	03/06/2007
Opposition Filing Date	07/03/2007	Opposition Period Ends	07/04/2007
Applicant	Premier Insurance Agency, Inc. 8912 W. Eight Mile Road Royal Oak, MI 48220 UNITED STATES		

Goods/Services Affected by Opposition

Class 036. First Use: 2001/05/14 First Use In Commerce: 2001/05/14
All goods and services in the class are opposed, namely: insurance brokerage services in the field of vehicle insurance, life insurance, health insurance, home insurance, motorcycle insurance and snowmobile insurance, fire insurance, flood insurance and renter's insurance

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.	2295434	Application Date	06/03/1998
Registration Date	11/30/1999	Foreign Priority Date	NONE
Word Mark	PREMIER DEALER SERVICES		
Design Mark			

Description of Mark	NONE
Goods/Services	Class 035. First use: First Use: 1998/12/01 First Use In Commerce: 1998/12/01 Management and marketing of insurance and financial products of others for auto dealers; providing prospective auto buyer leads to automobile dealers Class 036. First use: First Use: 1998/12/01 First Use In Commerce: 1998/12/01 Providing insurance and contract marketing and administration services to automobile dealers

U.S. Registration No.	2339366	Application Date	09/08/1998
Registration Date	04/04/2000	Foreign Priority Date	NONE
Word Mark	PREMIER LEASE & LOAN SERVICES		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 036. First use: First Use: 1999/01/15 First Use In Commerce: 1999/01/15 PROVIDING PROPERTY AND CASUALTY INSURANCE UNDERWRITING SERVICES, RISK MANAGEMENT SERVICES, AND LEASE TRACKING SERVICES FOR LENDERS AND LESSORS		

U.S. Registration No.	2480377	Application Date	10/08/1998
Registration Date	08/21/2001	Foreign Priority Date	NONE
Word Mark	GLOBAL PREMIER		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 036. First use: First Use: 2000/09/00 First Use In Commerce: 2000/09/00 FINANCING INSURANCE PREMIUMS		

U.S. Registration No.	2354943	Application Date	02/11/1999
Registration Date	06/06/2000	Foreign Priority Date	NONE
Word Mark	PREMIER DEALER SERVICES		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 036. First use: First Use: 1998/12/01 First Use In Commerce: 1998/12/01 Insurance administration in the field of residual value insurance, guaranteed auto protection, excess wear and tear protection, excess mileage protection, contingent and excess liability insurance, insurance verification and tracking, collateral protection insurance, blanket collateral protection insurance, job loss protection, vehicle service contracts, dealer finance reserve protection, gap insurance and related products for automobile dealers		

U.S. Registration No.	3144268	Application Date	09/24/2004
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Registration Date	09/19/2006	Foreign Priority Date	NONE
Word Mark	PREMIER		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 1999/01/01 First Use In Commerce: 1999/01/01 Commercial equipment and vehicle lease tracking services for lenders and lessors Class 036. First use: First Use: 1999/01/01 First Use In Commerce: 1999/01/01 Providing property and casualty insurance underwriting services, risk management services		

U.S. Registration No.	3132290	Application Date	04/25/2005
Registration Date	08/22/2006	Foreign Priority Date	NONE
Word Mark	PREMIER ON DEMAND		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 036. First use: First Use: 2003/11/07 First Use In Commerce: 2003/11/07 Interactive web-based insurance premium rate computing and insurance administration		

Attachments	75495388#TMSN.gif (1 page)(bytes) 75549836#TMSN.gif (1 page)(bytes) 75567877#TMSN.gif (1 page)(bytes) 75639006#TMSN.gif (1 page)(bytes) 78489237#TMSN.jpeg (1 page)(bytes) 78615895#TMSN.jpeg (1 page)(bytes) Opp1.tif (4 pages)(133190 bytes)
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Signature	/Patricia B. Hogan/
Name	Patricia B. Hogan
Date	07/03/2007

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

In the Matter of Application Serial No. 78/770105
Published in the *Official Gazette* of March 6, 2007

Great American Insurance Company)	
)	
Opposer,)	
)	
v.)	NOTICE OF OPPOSITION
)	
Premier Insurance Agency, Inc.)	Serial No. 78/770105
)	Mark: PREMIER INSURANCE
Applicants.)	
)	

Commissioner of Trademarks
BOX TTAB
2900 Crystal Drive
Arlington, Virginia 22202-3513

TO THE COMMISSIONER OF PATENTS AND TRADEMARKS:

NOTICE OF OPPOSITION

Great American Insurance Company, (“Opposer”), an Ohio Corporation, with its principal offices located at 580 Walnut Street, Cincinnati, Ohio 45202, believes it will be damaged by registration of the trademark PREMIER INSURANCE as represented by Application Serial No. 78/770105, filed by Applicant Premier Insurance Agency, Inc., with an address of 8912 W. Eight Mile Road, Royal Oak, Michigan 48220 (“Applicant”) and, having been granted an extension of time to oppose said application by Applicant, Opposer hereby opposes the same.

As grounds for opposition, Opposer alleges that:

1. Opposer owns the following U.S. registrations, which are all valid and subsisting:

Registration Number	Mark
2,295,434	PREMIER DEALER SERVICES Registered: 11/30/1999 for management and marketing of insurance and financial products of others for auto dealers; providing prospective auto buyer leads to automobile dealers in International Class 035; and for providing insurance and contract marketing and administration services to automobile dealers in International Class 036.
2,339,366	PREMIER LEASE & LOAN SERVICES Registered: 04/04/2000 for providing property and casualty insurance underwriting services, risk management services, and lease tracking services for lenders and lessors in International Class 036.
2,480,377	GLOBAL PREMIER Registered: 08/21/2001 for financing insurance premiums.
2,354,943	PREMIER DEALER SERVICES & Design Registered: 06/06/2000 for insurance administration in the field of residual value insurance, guaranteed auto protection, excess wear and tear protection, excess mileage protection, contingent and excess liability insurance, insurance verification and tracking, collateral protection insurance, blanket collateral protection insurance, job loss protection, vehicle service contracts, dealer finance reserve protection, gap insurance and related products for automobile dealers in International Class 036.
3,144,268	PREMIER & Design Registered: 09/19/2006 for providing property and casualty insurance underwriting services, risk management services in

	International Class 036; and for commercial equipment and vehicle lease tracking services for lenders and lessors in International Class 035.
3,132,290	PREMIER ON DEMAND Registered: 08/22/2006 for interactive web-based insurance premium rate computing and insurance administration in International Class 036.

2. Opposer has used its PREMIER trademarks since at least as early as 1998 for insurance and insurance-related services.

3. Opposer's first application for a PREMIER mark was filed on June 3, 1998, long before Applicant's filing date for its PREMIER INSURANCE mark.

4. Opposer's use of its PREMIER marks has been substantial, ongoing and continuous from 1998 through to the present date, for a period of over eight years.

5. Applicant's mark PREMIER INSURANCE was filed on December 9, 2005, for the following goods and services:

Insurance brokerage services in the field of vehicle insurance, life insurance, health insurance, home insurance, motorcycle insurance and snowmobile insurance, fire insurance, flood insurance and renter's insurance in International Class 036.

6. Applicant claims first use of the mark on May 14, 2001, filed on the basis of Section 1(a), a date which is later than Opposer's filing date and first use date for its first PREMIER mark.

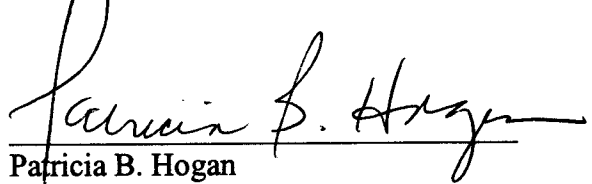
7. Applicant's mark for insurance services is so similar to Opposer's registered marks as to be likely to cause confusion, mistake or to deceive as to the source or sponsorship of Applicant's services, so as to damage Opposer and confuse consumers by Applicant's use of its PREMIER INSURANCE trademark.

8. Opposer will be damaged by the registration sought by Applicant because such registration will support and assist Applicant in the confusing and misleading use of Applicant's purported trademark, and will give color of rights in Applicant's violation and derogation of the prior and superior rights of Opposer.

9. Opposer submits this Notice of Opposition online in PDF format, and hereby authorizes the Board to charge any additional fees which may be required or credit any overpayment, to our Deposit Account No. 500735.

WHEREFORE, Opposer requests that this Opposition be sustained and that registration of PREMIER INSURANCE, Application Serial No. 78/770,105 to Applicant in all respects be denied and refused.

RESPECTFULLY SUBMITTED,

A handwritten signature in black ink, appearing to read "Patricia B. Hogan", written over a horizontal line.

Patricia B. Hogan
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One East Fourth Street
Cincinnati, Ohio 45202
(513) 579-6959
Attorney for Opposer,
Great American Insurance Company