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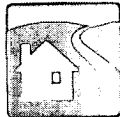
August 8, 2007

VIA FIRST CLASS MAIL

TTAB

United States Patent and Trademark Office
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Re: Notice of Opposition of United States Trademark Application
Applicant: CDRE TM Corp.
Mark:



Serial No.: 78/466,983
Class 36

Dear Madam:

The following documents are submitted in connection with U.S. Application Serial No. 78/466,983, filed by CDRE TM Corp., for the above referenced mark in International Class 36 on the Principal Register:

1. Notice of Opposition;
2. Certificate of Mailing dated August 8, 2007;
3. Fee in the amount of \$300.00; and
4. Return postcard.

EXTRA CHARGE AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required or credit any overpayment to Account No. 50-0485. A duplicate copy of this sheet is enclosed.

Sincerely,


Amy B. Spagnole

Enclosures

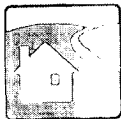
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08-10-2007

U.S. Patent & TMO/TM Mail Rcpt Dt. #34

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

HOME LOAN INVESTMENT BANK, FSB,)	Opposition No. _____
)	Mark: 
Opposer,)	
)	
v.)	Serial No.: 78/466,983
)	Class: 36
CDRE TM CORP.,)	
)	
Applicant.)	

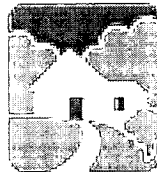
NOTICE OF OPPOSITION

Home Loan Investment Bank, FSB, a chartered bank in the State of Rhode Island, with an address of One Home Loan Plaza, Warwick, Rhode Island 02886 (“Opposer” or “Home Loan”), believes that it is, or will be, damaged by registration of the mark shown in Trademark Application Serial No. 78/466,983 of CDRE TM Corp., a California corporation, with an address of 27271 Las Ramblas, Suite 132, Mission Viejo, California 92691 (“CDRE” or “Applicant”), in International Class 36 on the Principal Register, filed on August 13, 2004 for “real estate brokerage services and providing home buyers with information on neighborhoods”, and hereby opposes the same.

The grounds for this opposition are as follows:

1. Opposer is a federally regulated savings bank, founded in 1959.

2. Home Loan provides a full line of personal and commercial banking, financing and mortgage products and services in connection with the trademark:



("Opposer's Design Mark").

3. Opposer provides its banking, financing and mortgage products and services throughout the United States through its website and telephone call center located at One Home Loan Plaza, Warwick, Rhode Island.

4. Opposer has served over 75,000 residential home buyers in more than thirty-six (36) states.

5. Opposer has been recognized as one of Freddie Mac's top one hundred and fifty (150) home mortgage lenders in the United States and has originated in excess of \$10 billion in mortgages.

6. Since at least as early as 1985, Opposer has continuously and substantially used Opposer's Design Mark in connection with Opposer's full line of banking, financing and mortgage products and services, which include home equity loans, residential home mortgages and commercial mortgage lending, and real estate services such as the acquisition, investment and management of real estate.

7. Opposer's Design Mark prominently appears on Opposer's marketing and advertising materials, on its letterhead, application and informational forms, on its website, and on the exterior of its corporate headquarters and retail branch locations.

8. Through its efforts over the years, Opposer has established a strong customer base consisting primarily of residential home buyers.

9. Opposer is known throughout its nationwide home mortgage lending and trade area as a provider of quality banking, mortgage and financial services.

10. Opposer's Design Mark is known by its customers and associated with Opposer's products and services.

11. The widespread recognition and goodwill associated with Opposer's Design Mark is the result of Opposer's continuous marketing efforts and by virtue of the high quality of Opposer's products and services.

12. Opposer is the owner of U.S. Trademark Registration No. 2,937,895 for the mark:

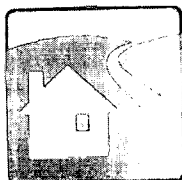


for "banking, home equity loans, mortgage banking, mortgage brokerage, mortgage lending, savings and loan associations, savings and loan services, savings bank services, investment banking services, real estate acquisition, real estate investment, real estate management, insurance administration" (the "Opposer's Registered Mark").

13. Opposer's Design Mark is the dominant feature of the mark shown in Registration No. 2,937,895.

14. The application for Opposer's Registration No. 2,937,895 was filed on November 17, 2003 and claims a date of first use in commerce of May 6, 1985.

15. The Applicant seeks to register



as a trademark for “real estate brokerage services and providing home buyers with information on neighborhoods,” in International Class 36 (“Applicant’s Mark”).

16. There is no issue as to priority. The Application Serial No. 78/466,983 was filed on August 13, 2004 and claims a date of first use in commerce on January 31, 2005. The filing date of this application and the date of first use of Applicant’s Mark in commerce are long after Opposer’s first use of Opposer’s Mark and the filing of the application for Opposer’s Registered Mark.

17. Applicant’s Mark is virtually identical in appearance and creates the same commercial impression as Opposer’s Mark.

18. Opposer’s Mark is the dominant feature of Opposer’s Registered Mark.

19. The Applicant’s Mark is virtually identical in appearance and creates the same commercial impression as the dominant portion of Opposer’s Registered Mark.

20. The Applicant’s services for residential home buyers as set forth in Application Serial Number 78/466,983 and Opposer’s services for residential home buyers are related.

21. In view of the similarity between the respective marks and the related nature of the services of the respective parties, including residential home buyers, it is alleged that Applicant’s Mark so closely resembles Opposer’s Mark, previously used in the United States and not abandoned, so as to be likely to cause confusion or to cause mistake or to deceive.

22. The Applicant’s use of Applicant’s Mark falsely suggests an association with or approval by Opposer of Applicant’s services and will create confusion in the marketplace, as Opposer’s consumers will assume that Applicant’s products and services

marked with Applicant's Mark come from or are authorized, endorsed or sponsored by Opposer. Such false association will cause harm to Opposer.

23. The Applicant's registration of the Applicant's Mark, if permitted, will lessen the capacity of Opposer's Mark to identify and distinguish Opposer's services, thereby causing harm to Opposer.

FIRST GROUND FOR RELIEF (UNDER 15 U.S.C. § 1052(d))
OPPOSER'S REGISTERED MARK

24. Opposer incorporates by reference paragraphs 1 through 23 as if fully set forth herein.

25. The Trademark set forth in Opposer's Registration No. 2,937,895 has been used by Opposer and not abandoned since a date long prior to any date on which Applicant may rely.

26. Applicant's Mark as shown by Application Serial No. 78/466,983 is virtually identical or confusingly similar to the mark shown in Opposer's Registration No. 2,937,895 in appearance and in commercial impression.

27. The services of Applicant offered or to be offered in connection with Applicant's Mark are related to Opposer's services provided in connection with Opposer's Registered Mark.

28. Use of the Applicant's Mark by Applicant is likely to cause confusion, cause mistake or to deceive the public into the belief that the products and services offered under Applicant's Mark are from or are otherwise sponsored by Opposer in violation of Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

SECOND GROUND FOR RELIEF (UNDER 15 U.S.C. § 1052(d))
COMMON LAW MARK

29. Opposer incorporates by reference paragraphs 1 through 28 as if fully set forth herein.

30. The Opposer's Mark has been used by Opposer and not abandoned since a date prior to any date on which Applicant may rely.

31. Opposer's Mark has acquired secondary meaning.

32. Applicant's Mark as shown by Application Serial No. 78/466,983 is virtually identical or confusingly similar to Opposer's Mark in appearance and in commercial impression.

33. The services of Applicant listed in Applicant's application are related to Opposer's products and services provided under Opposer's Mark.

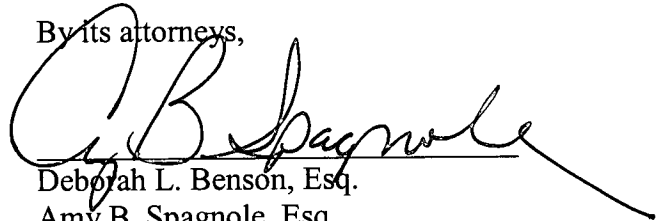
34. Use of the Applicant's Mark by Applicant is likely to cause confusion, cause mistake or to deceive the public into the belief that the products and services offered under Applicant's Mark are from or are otherwise sponsored by Opposer in violation of Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

WHEREFORE, Home Loan requests that the opposition be sustained and that Trademark Application Serial No. 78/466,983 filed on August 13, 2004 be rejected and its registration refused.

Respectfully submitted,

HOME LOAN INVESTMENT
BANK, FSB

By its attorneys,



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Dated: August 8, 2007

Certificate Of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first-class mail in an envelope addressed to the Commissioner for Trademarks, PO Box 1461, Alexandria, VA 22313-1461, on 8/8/07
Date 8/8/07 Amy B. Spagnole