

ESTTA Tracking number: **ESTTA193779**

Filing date: **02/20/2008**

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	Foremost Corporation of America
Granted to Date of previous extension	02/23/2008
Address	5600 Beech Tree Lane Caledonia, MI 49316 UNITED STATES

Attorney information	Richard J. Groos Fulbright & Jaworski L.L.P. 600 Congress Avenue, Suite 2400 Austin, TX 78701 UNITED STATES aotrademark@fulbright.com, rgroos@fulbright.com, agroos@fulbright.com, kpfertner@fulbright.com Phone:512.474.5201
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Applicant Information

Application No	77239715	Publication date	12/25/2007
Opposition Filing Date	02/20/2008	Opposition Period Ends	02/23/2008
Applicant	GMAC LLC P.O. Box 200 200 Renaissance Center Detroit, MI 48265 UNITED STATES		

Goods/Services Affected by Opposition

<p>Class 036. All goods and services in the class are opposed, namely: Financial services, namely, financing relating to automobiles; Insurance brokerage and underwriting in the field of personal lines insurance policies, namely, private passenger automobiles, homeowners, condominiums, apartment renters, personal umbrellas, recreational vehicles, boats and recreational jet boats for single or multi-riders; processing of insurance claims; Insurance services, namely, underwriting service and repair warranty contracts for motor vehicles; providing extended warranty contracts for motor vehicles; Real estate brokerage; real estate consultation; real estate listing; Mortgage brokerage, financial consulting services, home equity loans; mortgage banking services, namely, origination, acquisition, servicing, securitization and brokerage of mortgage loans; mortgage lending</p>

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. Application No.	77248729	Application Date	08/07/2007
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	GO AHEAD. GET ON YOUR BIKE.		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 036. First use: First Use: 2006/10/00 First Use In Commerce: 2006/10/00 Insurance services, namely, underwriting, insurance administration, claims administration, and agency services; and providing information about insurance and underwriting services via the Internet		

U.S. Application No.	77248738	Application Date	08/07/2007
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	GO AHEAD. GET DIRTY.		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 036. First use: First Use: 2006/10/00 First Use In Commerce: 2006/10/00 Insurance services, namely, underwriting, insurance administration, claims administration, and agency services; and providing information about insurance and underwriting services via the Internet		

U.S. Application No.	77248957	Application Date	08/07/2007
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	GO AHEAD. GET WET.		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 036. First use: First Use: 2006/10/00 First Use In Commerce: 2006/10/00 Insurance services, namely, underwriting, insurance administration, claims administration, and agency services; and providing information about insurance and underwriting services via the Internet		

U.S. Application No.	77248961	Application Date	08/07/2007
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	GO AHEAD. GET ON THE TRAIL.		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 036. First use: First Use: 2006/10/00 First Use In Commerce: 2006/10/00 Insurance services, namely, underwriting, insurance administration, claims administration, and agency services; and providing information about insurance and underwriting services via the Internet		

U.S. Application No.	77248965	Application Date	08/07/2007
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	GO AHEAD. GET OUTDOORS.		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 036. First use: First Use: 2006/10/00 First Use In Commerce: 2006/10/00 Insurance services, namely, underwriting, insurance administration, claims administration, and agency services; and providing information about insurance and underwriting services via the Internet		

U.S. Application No.	77357382	Application Date	12/20/2007
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	GO AHEAD. ASK FOR FOREMOST.		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 036. First use: First Use: 2007/09/00 First Use In Commerce: 2007/09/07 Insurance services, namely, underwriting, insurance administration, claims administration, and agency services; and providing information about insurance and underwriting services via the Internet		

U.S. Application/Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	GO AHEAD		
Goods/Services	Insurance services, namely, underwriting, insurance administration, claims administration, and agency services; and providing information about insurance and underwriting services via the Internet		

Attachments	77248729#TMSN.jpeg (1 page)(bytes) 77248738#TMSN.jpeg (1 page)(bytes) 77248957#TMSN.jpeg (1 page)(bytes) 77248961#TMSN.jpeg (1 page)(bytes) 77248965#TMSN.jpeg (1 page)(bytes) 77357382#TMSN.jpeg (1 page)(bytes) go ahead.pdf (7 pages)(250210 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	/Alicia Morris Groos/
Name	Alicia Morris Groos

Date	02/20/2008
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Application Serial No.: 77/239,715
Filed July 26, 2007
Published: December 25, 2007
Mark: GO AHEAD

Foremost Corporation of America,

Opposer,

v.

GMAC LLC,

Applicant.

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Opposition No.: _____

BOX TTAB -- FEE

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

NOTICE OF OPPOSITION

Opposer, Foremost Corporation of America (hereinafter "Foremost"), a Michigan corporation having a business address of 5600 Beech Tree Lane, Caledonia, Michigan 49316, believes that it will be damaged by registration of the above-identified mark GO AHEAD as shown in U.S. Trademark Application Serial No. 77/239,715 (the "Application") and hereby opposes same under the provisions of 15 U.S.C. § 1063.

As grounds for opposition, Foremost asserts that:

1. Since at least as early as 1952, Foremost has been engaged in the business of insurance services. Foremost provides customers across the United States with insurance services including underwriting and claims administration for automobile, mobile home,

recreational vehicle, travel trailer, motorcycle, off-road vehicle, snowmobile, personal watercraft, boat, collectible auto, and homeowners insurance.

2. Foremost is the owner of the mark GO AHEAD and variations thereof incorporating “GO AHEAD,” including, without limitation: GO AHEAD; GO AHEAD. GET YOUR BIKE.; GO AHEAD. GET DIRTY.; GO AHEAD. GET WET.; GO AHEAD. GET ON THE TRAIL.; GO AHEAD. GET OUTDOORS.; and GO AHEAD. ASK FOR FOREMOST. (collectively, the “Foremost Marks”) for use with a variety of insurance-related services (collectively, the “Foremost Services”). Foremost has adopted, used, and promoted together the Foremost Marks, each of which is comprised of or incorporates the element “GO AHEAD,” in such a manner as to create among purchasers an association of common ownership of the Foremost Marks. “GO AHEAD” is distinctive when used on or in connection with the Foremost Services. Foremost is therefore the owner of a family of marks based on the common element “GO AHEAD.”

3. Foremost is also the owner of the U.S. trademark applications listed below (the “Foremost Applications”). The PTO records for the Foremost Applications are attached and made of record.

Serial No.	Mark	First Use/First Use In Commerce (at least as early as)	Goods/Services
77/248,729	GO AHEAD. GET ON YOUR BIKE.	10/00/2006	International Class 36 - Insurance services, namely, underwriting, insurance administration, claims administration, and agency services; and providing information about insurance and underwriting services via the Internet
77/248,738	GO AHEAD. GET DIRTY.	10/00/2006	International Class 36 - Insurance services, namely, underwriting, insurance administration, claims administration, and

Serial No.	Mark	First Use/First Use In Commerce (at least as early as)	Goods/Services
			agency services; and providing information about insurance and underwriting services via the Internet
77/248,957	GO AHEAD. GET WET.	10/00/2006	International Class 36 - Insurance services, namely, underwriting, insurance administration, claims administration, and agency services; and providing information about insurance and underwriting services via the Internet
77/248,961	GO AHEAD. GET ON THE TRAIL.	10/00/2006	International Class 36 - Insurance services, namely, underwriting, insurance administration, claims administration, and agency services; and providing information about insurance and underwriting services via the Internet
77/248,965	GO AHEAD. GET OUTDOORS.	10/00/2006	International Class 36 - Insurance services, namely, underwriting, insurance administration, claims administration, and agency services; and providing information about insurance and underwriting services via the Internet
77/357,382	GO AHEAD. ASK FOR FOREMOST.	09/00/2007	International Class 36 - Insurance services, namely, underwriting, insurance administration, claims administration, and agency services; and providing information about insurance and underwriting services via the Internet

The PTO records for the Foremost Applications are attached and made of record.

4. Since at least as early as October, 2006, Foremost has made substantial, exclusive and continuous use of the Foremost Marks in connection with the sale of the Foremost Services. Through such use the public has come to recognize the Foremost Marks as the exclusive identifier of Foremost and of the Foremost Services.

5. Through advertising, marketing and sale of the Foremost Services under the Foremost Marks, Foremost has built up, at great expense and effort, the valuable goodwill symbolized by the Foremost Marks.

6. Applicant filed Application Serial No. 77/239,715 on July 26, 2007 to register the mark "GO AHEAD" based on an intention to use under Section 1(b). The services of the Application are "Financial services, namely, financing relating to automobiles; Insurance brokerage and underwriting in the field of personal lines insurance policies, namely, private passenger automobiles, homeowners, condominiums, apartment renters, personal umbrellas, recreational vehicles, boats and recreational jet boats for single or multi-riders; processing of insurance claims; Insurance services, namely, underwriting service and repair warranty contracts for motor vehicles; providing extended warranty contracts for motor vehicles; Real estate brokerage; real estate consultation; real estate listing; Mortgage brokerage, financial consulting services, home equity loans; mortgage banking services, namely, origination, acquisition, servicing, securitization and brokerage of mortgage loans; mortgage lending."

7. Applicant's alleged mark "GO AHEAD" was published for opposition in the *Official Gazette* on December 25, 2007.

8. Applicant has not filed an Allegation of Use for Application Serial No. 77/239,715.

9. Applicant cannot assert an application filing date, date of first use, or date of first use in commerce that precedes July 26, 2007.

10. Applicant's filing date for the Application is subsequent to Foremost's date of first use and date of first use in commerce listed in Application Serial Nos. 77/248,729, 77/248,738, 77/248,957, 77/248,961, and 77/248,965.

11. Many months prior to Applicant's filing of the above-identified Application, or any date upon which Applicant can claim priority, Foremost adopted and used the Foremost Marks on or in connection with the Foremost Services.

12. Applicant's alleged mark "GO AHEAD" is identical or substantially similar to the Foremost Marks in appearance, sound, connotation, and commercial impression. Applicant's alleged mark is used for or intended to be used for services which are identical, similar and/or related to the Foremost Services.

13. Due to the identical or substantially similar nature of Applicant's alleged mark and the Foremost Marks, as well as the identical, similar or related nature of the parties' respective services, consumers and prospective consumers of the Foremost Services are likely to be confused, mistaken or deceived in the belief that Applicant's services sold or offered for sale under Applicant's alleged mark emanate from or are in some way sponsored, endorsed or approved by, or affiliated, connected or associated with Foremost. This confusion, mistake or deception will cause irreparable damage and injury to the goodwill and reputation symbolized by the Foremost Marks.

14. Registration of Applicant's alleged mark would be a source of damage to Foremost because consumers are likely to attribute the source or sponsorship of Applicant's services to Foremost.

15. Registration of Applicant's alleged mark would be a source of damage to Foremost because it would enable Applicant to trade on and receive the benefit of the goodwill in the Foremost Marks, which Foremost has built up at great labor and expense.

16. Registration of Applicant's alleged mark would be a source of damage to Foremost, as it would confer upon Applicant various statutory presumptions to which it is not entitled in view of Foremost's prior use of the Foremost Marks.

WHEREFORE, Foremost requests that registration of Application Serial No. 77/239,715 for "GO AHEAD" be denied in its entirety and this opposition be sustained.

The filing fee in the amount of \$300 as required by 37 C.F.R. § 2.6(a)(17) is submitted herewith. If the amount is insufficient or should an overpayment be included herein, the Commissioner is authorized to deduct or credit said fees from or to the deposit account of Fulbright & Jaworski L.L.P., Account No.: 50-1212/FARF:093/RJG.

Respectfully submitted,

Dated: 2/20/08


By: 

Richard J. Groos
Alicia Morris Groos
Attorneys for Foremost Corporation of
America
FULBRIGHT & JAWORSKI L.L.P.
600 Congress Avenue, Suite 2400
Austin, Texas 78701
(512) 474-5201

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the NOTICE OF OPPOSITION has been served via Certified Mail to Applicant's attorney of record at the address below on this the 20 day of February, 2008:

Gary W. Donohue
GMAC LLC
300 Galleria Officentre Ste 210
Southfield, MI 48034-8424


Alicia Morris Groos