

ESTTA Tracking number: **ESTTA263929**

Filing date: **02/02/2009**

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    | Moneygram Payment Systems, Inc.                                |             |               |
| Entity  | Corporation  | Citizenship | United States |
| Address | 1550 Utica Avenue<br>St. Louis Park, MN 55416<br>UNITED STATES |             |               |

|                            |   |  |  |
|----------------------------|---|--|--|
| Correspondence information | FREDERICK MEYERS<br>Ladas & Parry, LLP<br>224 S. Michigan Ave. Suite 1600<br>Chicago, IL 60604<br>UNITED STATES<br>chiustm@ladas.net Phone:3124271300 |  |  |
|----------------------------|---|--|--|

### Applicant Information

|                        |   |                        |            |
|------------------------|---|------------------------|------------|
| Application No         | 77453342  | Publication date       | 01/20/2009 |
| Opposition Filing Date | 02/02/2009  | Opposition Period Ends | 02/19/2009 |
| Applicant              | Electronic Payment Providers, Inc.<br>2999 N. 44th Street - Suite 410<br>Phoenix, AZ 85018<br>UNITED STATES |                        |            |

### Goods/Services Affected by Opposition

|   |
|---|
| Class 036.<br>All goods and services in the class are opposed, namely: Bill payment services; Credit card and payment card services; Credit card payment processing services; Electronic payment, namely, electronic processing and transmission of bill payment data; Payment processing services, namely, credit card and debit card transaction processing services; Providing electronic processing of ACH and credit card transactions and electronic payments via a global computer network; Providing electronic processing of electronic funds transfer, ACH, credit card, debit card, electronic check and electronic payments |
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### Grounds for Opposition

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

### Mark Cited by Opposer as Basis for Opposition

|                       |            |                       |            |
|-----------------------|------------|-----------------------|------------|
| U.S. Registration No. | 2904786    | Application Date      | 05/07/2003 |
| Registration Date     | 11/23/2004 | Foreign Priority Date | NONE       |

|                     |  |
|---------------------|--|
| Word Mark           | EXPRESSPAYMENT   |
| Design Mark         |  |
| Description of Mark | NONE   |
| Goods/Services      | Class 036. First use: First Use: 1990/03/15 First Use In Commerce: 1990/03/15<br>Electronic bill payment services, financial services, namely processing of consumer's payments to third parties |

|             |   |
|-------------|---|
| Attachments | Statement of Grounds.pdf ( 1 page )(11929 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 | /fredmeyers/     |
| Name      | FREDERICK MEYERS |
| Date      | 02/02/2009       |

### **Statement of Grounds**

Petitioner is the owner of U.S. registration number 2904786 for the service mark EXPRESSPAYMENT. The registration is valid and in force. The applicant's mark, e EXPRESS PAYMENTS SUITE, wholly incorporates the registrant's mark EXPRESSPSYMENT in its entirety and covers services which are indistinguishable from the services covered by registration no. 2904786. Further, the literal elements EXPRESS PAYMENTS dominate the applicant's mark making consumer confusion as to the source of applicant's services very likely.