

ESTTA Tracking number: **ESTTA298803**

Filing date: **08/03/2009**

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	Advanta Corp.
Granted to Date of previous extension	09/02/2009
Address	Welsh and McKean Roads Spring House, PA 19477-0844 UNITED STATES

Attorney information	James R. Meyer Schnader Harrison Segal & Lewis LLP 1600 Market Street Suite 3600 Philadelphia, PA 19103 UNITED STATES jmeyer@schnader.com
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Applicant Information

Application No	77648522	Publication date	05/05/2009
Opposition Filing Date	08/03/2009	Opposition Period Ends	09/02/2009
Applicant	MetaBank 5501 Broadband Lane Sioux Falls, SD 57108 UNITED STATES		

Goods/Services Affected by Opposition

Class 036. First Use: 2008/03/00 First Use In Commerce: 2008/03/00


All goods and services in the class are opposed, namely: Financial services, namely, the providing and servicing of loans including the providing and servicing of loans to holders of prepaid debit cards, payroll cards, and other types of deposit account relationships

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.	3553569	Application Date	05/08/2008
Registration Date	12/30/2008	Foreign Priority Date	NONE
Word Mark	NONE		

Design Mark	
Description of Mark	The mark consists of a stylized "V" with an oval.
Goods/Services	Class 035. First use: First Use: 2001/08/31 First Use In Commerce: 2001/08/31 Business services, namely, promoting the goods and services of others on a global computer network by providing hypertext links to the web sites of others; business networking services; providing business advice and information

U.S. Registration No.	2316911	Application Date	08/09/1996
Registration Date	02/08/2000	Foreign Priority Date	NONE

Word Mark	ADVANTA
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Design Mark	
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Description of Mark	NONE
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Goods/Services	Class 036. First use: First Use: 1996/09/09 First Use In Commerce: 1996/09/09 [personal lines insurance underwriting services, namely, life, health, disability, automobile, homeowner's and umbrella insurance coverage; investment and portfolio management service; life insurance underwriting services;] credit insurance underwriting services, namely, credit life, disability, unemployment and property insurance; banking services; [mortgage lending services;] credit card services [; and financing of office and medical equipment for governmental bodies and political bodies] Class 038. First use: First Use: 1996/09/09 First Use In Commerce: 1996/09/09 [rental or leasing of telephones] Class 042. First use: First Use: 1996/09/09 First Use In Commerce: 1996/09/09 [rental or leasing of computers, printers, photocopiers, security surveillance systems and medical equipment to governmental bodies and political bodies]
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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 Facsimile or email (by agreement only) on this date.

Signature	/JAMES R. MEYER/
Name	James R. Meyer
Date	08/03/2009

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Before the Trademark Trial and Appeal Board**

IN RE: Application No. 77648522

Trademark: iADVANCE & Design



Opposer: Advanta Corp.

Applicant: MetaBank

Published: May 5, 2009

Attorney Docket No: 3007573-0307

NOTICE OF OPPOSITION

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

Dear Sir or Madam:

Advanta Corp., a Delaware corporation located at Welsh & McKean Roads, P.O. Box 844, Spring House, PA 19477-0844 (“Advanta”), believes it will be damaged by the registration of the above mark and, having sought and obtained an extension of time to oppose this application, hereby opposes its registration on the Principal Trademark Register.

The grounds for its opposition are as follows:

1. Advanta is the owner of Registration No. 3,553,569 and 2,316,911 and others. These registrations, covering various financial services are valid and subsisting.

2. By reason of registration and use of the ADVANTA name and logo for financial services, the ADVANTA name and logo has become known as indicating products and services of Advanta, exclusively.

3. Applicant MetaBank (“Applicant”) has applied to register the mark shown above under Application Serial No. 77648522 for financial services (the “Mark”).

4. Applicant bases the above application on its use of the Mark in commerce since March 2008.

5. On information and belief, Applicant has not used the Mark prior to March 2008.

6. There is no issue of priority as Advanta has used and registered its ADVANTA name and logo long prior to MetaBank’s use of and application to register the Mark.

7. The use and registration of the Mark for financial services, the services of this application, is likely to cause confusion, to cause mistake or to deceive.

8. Consumers and/or those in the relevant market are likely to be confused, believe mistakenly or be deceived into thinking that the services marketed and rendered under the Mark are services of Advanta, or are made by, associated with and/or sponsored by Advanta which they are not, thereby causing damage to Advanta.

WHEREFORE, Advanta prays that its opposition be sustained and
Application No. 77648522 be refused registration.

Respectfully submitted,

SCHNADER HARRISON SEGAL & LEWIS LLP

Dated: August 3, 2009

By:



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ATTORNEYS FOR OPPOSER