

ESTTA Tracking number: **ESTTA460421**

Filing date: **03/07/2012**

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	Dollar Financial Group, Inc.
Granted to Date of previous extension	03/07/2012
Address	1436 Lancaster Avenue, Suite 300 Berwyn, PA 19312 UNITED STATES

Attorney information	Bassam N. Ibrahim Buchanan Ingersoll & Rooney PC 1737 King Street, Suite 500 Alexandria, VA 22314 UNITED STATES bassam.ibrahim@bipc.com Phone:703-836-6620
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**Applicant Information**

Application No	85350617	Publication date	11/08/2011
Opposition Filing Date	03/07/2012	Opposition Period Ends	03/07/2012
Applicant	HRB Innovations, Inc. 2215-B Renaissance Drive Las Vegas, NV 89119 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 036. All goods and services in the class are opposed, namely: Money order services; money transfer services; bill payment services; prepaid card services in the nature of making payments to add value to prepaid cards, prepaid cellular telephone services
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**Grounds for Opposition**

Priority and likelihood of confusion	Trademark Act section 2(d)
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**Mark Cited by Opposer as Basis for Opposition**

U.S. Registration No.	2700559	Application Date	06/15/2002
Registration Date	03/25/2003	Foreign Priority Date	NONE
Word Mark	MONEY MART EXPRESS		
Design Mark			

Description of Mark	NONE
Goods/Services	Class 036. First use: First Use: 2002/05/18 First Use In Commerce: 2002/05/18 LOAN FINANCING

Attachments	0078022-000119 - Notice of Opposition.pdf ( 5 pages )(144821 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	/bni/
Name	Bassam N. Ibrahim
Date	03/07/2012

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

RE: U.S. Trademark Application Serial No. 85/350,617

Dollar Financial Group, Inc.,	)	
	)	
Opposer,	)	
	)	Opposition No. _____
-v-	)	
	)	
HRB Innovations, Inc.,	)	
	)	
Applicant.	)	
	)	
Attorney Docket No. 0078022-000119	)	
_____	)	

**NOTICE OF OPPOSITION**

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

Commissioner:

In the matter of U.S. Trademark Application Serial No. 85/350,617, filed on June 20, 2011 by HRB Innovations, Inc. ("Applicant"), to register the mark H&R BLOCK MONEY EXPRESS ("Applicant's Mark") in connection with "Money order services; money transfer services; bill payment services; prepaid card services in the nature of making payments to add value to prepaid cards, prepaid cellular telephone services" in International Class 36 ("Applicant's Services"), and published in the *Official Gazette* on November 8, 2011, Dollar Financial Group, Inc. ("Opposer") believes that it will be damaged by the registration of Applicant's Mark and hereby opposes same. The grounds for this opposition are as follows:

1. Applicant is the record owner of Application Serial No. 85/350,617 for Applicant's Mark in connection with Applicant's Services.

2. Upon information and belief, Applicant did not use Applicant's Mark in connection with Applicant's Services prior to the filing date of Application Serial No. 85/350,617.

3. Upon information and belief, Applicant did not use Applicant's Mark in connection with Applicant's Services in interstate commerce in the United States prior to June 20, 2011, the filing date of Application Serial No. 85/350,617.

4. Opposer is a New York corporation with an address of 1436 Lancaster Avenue, Berwyn, Pennsylvania 19312-1288.

5. Opposer is the owner of U.S. Trademark Registration No. 2,700,559 for MONEY MART EXPRESS ("Opposer's Mark") for "loan financing" services in International Class 36 ("Opposer's Services"). U.S. Registration No. 2,700,559 is incontestable pursuant to 15 U.S.C. §1065.

6. Commencing long prior to the filing date of Application Serial No. 85/350,617 and any use by Applicant of Applicant's Mark, Opposer has been and is now engaged in the business of advertising, offering for sale and selling Opposer's Services under Opposer's Mark.

7. Commencing prior to the filing date of Application Serial No. 85/350,617 and any use by Applicant of Applicant's Mark, Opposer has used and is now using Opposer's Mark in connection with the advertising, offering for sale and selling of Opposer's Services in interstate commerce in the United States.

8. Due to Opposer's continuous use of Opposer's Mark in connection with Opposer's Services, consumers have come to know and recognize Opposer's Mark and to associate Opposer's Mark with Opposer and Opposer's Services.

9. Opposer enjoys substantial and exclusive goodwill and a fine reputation throughout the United States in connection with Opposer's Mark.

10. Due to Opposer's longstanding and continuous use of Opposer's Mark in connection with Opposer's services, Opposer's Mark has become well known as designating Opposer's services throughout the United States. Opposer's Mark has also become famous.

11. Applicant's Mark in Application Serial No. 85/350,617 is similar to Opposer's Mark in sight, sound, and commercial impression.

12. Applicant's Services are very similar to Opposer's Services and are offered to identical or similar types of consumers through identical or similar channels of trade.

13. Applicant's Mark in Application Serial No. 85/350,617 so resembles Opposer's previously used and registered Opposer's Mark as to be likely, when used in connection with Applicant's Services, to cause confusion, to cause mistake, or to deceive, by creating the erroneous impression that Applicant's Services originate from or are associated with Opposer, or that Applicant's Services are authorized, endorsed or sponsored by Opposer.

14. Applicant's filing of Application Serial No. 85/350,617 for Applicant's Mark was without license, authorization or permission from Opposer.

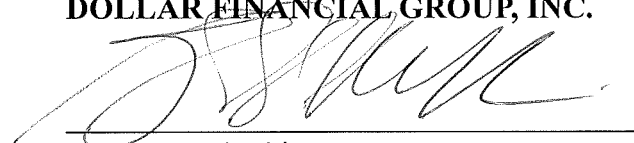
15. The granting of a trademark registration for Applicant's Mark would violate and diminish the prior and superior rights of Opposer in Opposer's Mark and would be in violation of 15 U.S.C. § 1052(d).

16. Opposer would be damaged if Application Serial No. 85/350,617 is allowed to register because Applicant will obtain statutory rights in Applicant's Mark in violation and derogation of the established prior rights of Opposer in Opposer's Mark.

WHEREFORE, Opposer requests that its Opposition be sustained, that Application Serial No. 85/350,617 be rejected and that the registration of Applicant's Mark as a trademark to Applicant be refused, and for such other relief as may be deemed just and proper.

Respectfully submitted,

**DOLLAR FINANCIAL GROUP, INC.**



Date: March 7, 2012

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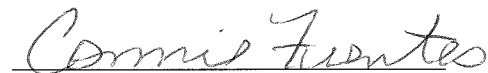
Bassam N. Ibrahim  
Holly M. Ford  
Bryce J. Maynard  
Buchanan Ingersoll & Rooney PC  
P.O. Box 1404  
Alexandria, Virginia 22313-1404  
(703) 836-6620

Attorneys for Opposer

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the foregoing NOTICE OF OPPOSITION was served  
this 7th day of March, 2012 by first-class mail, postage prepaid, on:

Michael Elbein  
Hovey Williams LLP  
10801 Mastin Street  
Suite 1000  
Overland Park, KS 66210-1697

  
Connie Fuentes  
Connie Fuentes