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

Proceeding	91204289
Party	Defendant HRB Innovations, Inc.
Correspondence Address	MICHAEL ELBEIN HOVEY WILLIAMAS LLP 10801 MASTIN ST STE 1000 OVERLAND PARK, KS 66210-1697 UNITED STATES
Submission	Answer
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Date	04/11/2012
Attachments	Answer to Notice of Opposition.pdf (4 pages)(167001 bytes)

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

Re: Application Serial No. 85350617

Dollar Financial Group, Inc.)	
Opposer)	
)	
v.)	Opposition No. 91204289
)	
HRB Innovations, Inc.)	
Applicant)	

Applicant’s Answer to Notice of Opposition

Applicant HRB Innovations, Inc. (“Applicant” or “HRB”) in answer to the Notice of Opposition states:

1. Applicant admits the allegations contained in Paragraph 1 of the Notice of Opposition.
2. Applicant admits that it had not yet used the mark in connection with the services listed in the application as of the date of filing of the application that is the subject of this proceeding; further states that Applicant had a bona fide intent to use the mark in connection with those services as of the date the application was filed; denies any remaining allegations contained in Paragraph 2 of the Notice of Opposition.
3. Applicant admits that it had not yet used the mark in commerce in connection with the services listed in the application as of the date of filing of the application that is the subject of this proceeding; further states that Applicant had a bona fide intent to use the mark in commerce in connection with those services as of the date the application was filed; denies any remaining allegations contained in Paragraph 3 of the Notice of Opposition.

4. Applicant is without sufficient information to admit or deny the allegations contained in Paragraph 4 of the Notice of Opposition and therefore denies the same.

5. Applicant admits that Opposer is the listed owner of U.S. Trademark Registration No. 2700559; Applicant admits that the Opposer has filed the combined declarations under Sections 8 and 15 of the Trademark Act and that said declaration under Section 8 has been accepted and said declaration under Section 15 has been acknowledged; Applicant denies any remaining allegations in Paragraph 5 of the Notice of Opposition.

6. Applicant is without sufficient information to admit or deny the allegations contained in Paragraph 6 of the Notice of Opposition and therefore denies the same.

7. Applicant is without sufficient information to admit or deny the allegations contained in Paragraph 7 of the Notice of Opposition and therefore denies the same.

8. Applicant is without sufficient information to admit or deny the allegations contained in Paragraph 8 of the Notice of Opposition and therefore denies the same.

9. Applicant is without sufficient information to admit or deny the allegations contained in Paragraph 9 of the Notice of Opposition and therefore denies the same.

10. Applicant is without sufficient information to admit or deny the allegations contained in the first sentence of Paragraph 10 of the Notice of Opposition and therefore denies the same. Applicant denies the allegations contained in the second sentence of Paragraph 10 of the Notice of Opposition.

11. Applicant denies the allegations contained in Paragraph 11 of the Notice of Opposition.

12. Applicant denies the allegations contained in Paragraph 12 of the Notice of

Opposition.

13. Applicant denies the allegations contained in Paragraph 13 of the Notice of Opposition.

14. Applicant admits the allegations contained in Paragraph 14 of the Notice of Opposition; further answering Applicant denies that any license, authorization or permission from Opposer was or is required.

15. Applicant denies the allegations contained in Paragraph 15 of the Notice of Opposition.

16. Applicant denies the allegations contained in Paragraph 16 of the Notice of Opposition.

17. Applicant denies each and every allegation contained in the Notice of Opposition unless specifically admitted in this Answer.

18. The only common portion of Applicant's mark and the marks claimed by Opposer, to wit, MONEY and EXPRESS, were disclaimed by Opposer, and therefore, Opposer may not claim a monopoly on the use of MONEY and EXPRESS for marks used in the financial industry. The marks as a whole, other than the use of those two terms, which Opposer by its disclaimer has admitted are either generic and or highly descriptive, create very different commercial impressions and do not cause a likelihood of confusion.

19. The only common portions of the marks at issue, MONEY and EXPRESS are weak, and entitled to only limited protection, such that the marks at issue do not cause a likelihood of confusion.

20. Applicant reserves its rights to assert counterclaims or additional affirmative

defenses, as may be determined based on information obtained during the course of this proceeding.

WHEREFORE, having fully responded, Applicant requests that the opposition be dismissed and that Applicant's application be allowed to proceed to registration.

Respectfully submitted,

HRB Innovations, Inc.
(Applicant)

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Certificate of Service

The undersigned hereby certifies that a copy of this Applicant's Answer to Notice of Opposition was mailed, first class, postage prepaid, this 11th day of April, 2012 to the following:

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