

ESTTA Tracking number: **ESTTA877499**

Filing date: **02/15/2018**

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	Old National Bank
Granted to Date of previous extension	02/18/2018
Address	1 Main Street Evansville, IN 47708 UNITED STATES

Attorney information	Caitlin R. Byczko Barnes & Thornburg LLP 11 S. Meridian St. Indianapolis, IN 46204 UNITED STATES Email: cbyczko@btlaw.com, tmindocket@btlaw.com, jgard@btlaw.com, kfennesy@btlaw.com
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**Applicant Information**

Application No	87315217	Publication date	08/22/2017
Opposition Filing Date	02/15/2018	Opposition Period Ends	02/18/2018
Applicant	American National Bank of Texas P.O. Box 40 Terrell, TX 75160 UNITED STATES		

**Goods/Services Affected by Opposition**


Class 036. First Use: 2012/06/30 First Use In Commerce: 2012/06/30 All goods and services in the class are opposed, namely: Banking services
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**Grounds for Opposition**

Priority and likelihood of confusion	Trademark Act Section 2(d)
Other	Likelihood of confusion based on Opposer's prior common law rights to the YOUR BANK. FOR LIFE. trademark.

**Marks Cited by Opposer as Basis for Opposition**

U.S. Application No.	87606287	Application Date	09/13/2017
Registration Date	NONE	Foreign Priority Date	NONE

Word Mark	YOUR BANK. FOR LIFE.
Design Mark	
Description of Mark	NONE
Goods/Services	Class 036. First use: First Use: 1979/00/00 First Use In Commerce: 1979/00/00 banking services; investment management, namely, fiduciary representation services and financial planning services

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	YOUR BANK. FOR LIFE.		
Goods/Services	banking services; investment management, namely, fiduciary representation services and financial planning services		

Related Proceedings	Opposition Proceeding instituted against co- application Serial No. 87372171
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Attachments	87606287#TMSN.png( bytes ) TO FILE ONB NOO 2.15.18.pdf(17444 bytes ) ONB NOO Exhibits 87315217.PDF(135711 bytes )
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Signature	/cbyczko/
Name	Caitlin R. Byczko
Date	02/15/2018

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

Old National Bank	)	
	)	
	)	In the matter of trademark application
Opposer,	)	Serial No. 87315217;
	)	
	)	
v.	)	Opposition No. _____
	)	
American National Bank of Texas	)	
	)	
Applicant.	)	

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**NOTICE OF OPPOSITION**

Old National Bank (“ONB” or “Opposer”) believes that it will be damaged by the registration of the trademark YOUR BANK. FOR LIFE. (“Applicant’s Mark”) shown in Serial No. 87315217 (the “Application”) and hereby opposes the same. As grounds for its opposition, Opposer alleges as follows:

1. Opposer has been providing banking services since as early as 1834. With more than 180 years of service, Opposer is committed to consistently exceeding the expectations of its clients, associates and shareholders.
2. Opposer currently has over 180 banking centers. Opposer has used the trademark YOUR BANK. FOR LIFE. in various forms (“Opposer’s Mark”) in connection with its services in interstate commerce since at least as early as 1979.
3. Due to Opposer’s continuous and substantially exclusive use of Opposer’s Mark since 1979, Opposer’s Mark has acquired distinctiveness in the eyes of the consuming public.

4. In addition to its common law rights in Opposer's Mark, Opposer is also the owner of pending U.S. Application Serial No. 87606287 for YOUR BANK. FOR LIFE. for "banking services; investment management, namely, fiduciary representation services and financial planning services" in Class 36 ("Opposer's Services"). The TSDR record evidencing the current status and ownership of this application is attached as **Exhibit A**.
5. Despite Opposer's prior rights, Applicant seeks to register Applicant's Mark in connection with, "Banking services" in Class 36 ("Applicant's Services") as evidenced by its application filed January 26, 2017, and published in the Official Gazette on August 22, 2017. The application claims a date of first use of June 30, 2012 in the United States. *See* **Exhibit B**.
6. In an Office Action dated November 16, 2017, the Trademark Office cited Serial No. 87315217 for Applicant's Mark as a preliminary bar to the registration of Opposer's U.S. Application Serial No. 87606287.
7. Opposer's use of Opposer's Mark significantly pre-dates Applicant's use and attempted registration of Applicant's Mark. Opposer has priority.
8. Applicant's Mark, YOUR BANK. FOR LIFE. is identical to Opposer's Mark in appearance, sound, and commercial impression.
9. Applicant's Services are identical to the services provided by Opposer under Opposer's Mark since 1979 and included in Opposer's application.
10. Applicant's Services are likely to be marketed and sold to the same purchasers and through the same channels of trade as Opposer's Services.

11. Applicant's Mark is likely to cause confusion, or to cause mistake or to deceive because relevant purchasers familiar with Opposer's Mark and with Opposer's reputation are likely to believe that Opposer has endorsed or authorized Applicant's Services, or that Applicant or Applicant's Services are in some way affiliated with Opposer, so as to create a likelihood of confusion as to the source of Applicant's Services.
12. Upon information and belief, Applicant has no rights in Applicant's Mark prior to Opposer's rights in Opposer's Mark.
13. Opposer would be injured by Applicant's registration of the YOUR BANK. FOR LIFE. mark because Applicant's Mark so resembles Opposer's Mark as to be likely to cause confusion, or to cause mistake, or to deceive consumers, to falsely suggest a connection with Opposer, and to damage Opposer's goodwill in the YOUR BANK. FOR LIFE. mark.

WHEREFORE, Opposer believes that it will be damaged by the registration of Applicant's Mark to Applicant, and prays that the registration be denied.

Respectfully submitted,

Date: February 15, 2018

*/s/ Caitlin R. Byczko*

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Julia Spoor Gard  
Caitlin R. Byczko  
**BARNES & THORNBURG LLP**  
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[tmindocket@btlaw.com](mailto:tmindocket@btlaw.com)

*Attorneys for Opposer*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of Opposer's Notice of Opposition has been filed with ESTTA on February 15, 2018.

/s/ Caitlin R. Byczko

# EXHIBIT A

Generated on: This page was generated by TSDR on 2018-02-13 15:20:33 EST

Mark: YOUR BANK. FOR LIFE.

YOUR BANK. FOR LIFE.

US Serial Number: 87606287

Application Filing Date: Sep. 13, 2017

Filed as TEAS RF: Yes

Currently TEAS RF: Yes

Register: Principal

Mark Type: Service Mark

Status: A non-final Office action has been sent (issued) to the applicant. This is a letter from the examining attorney requiring additional information and/or making an initial refusal. The applicant must respond to this Office action. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

Status Date: Nov. 16, 2017

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## Mark Information

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Mark Literal Elements: YOUR BANK. FOR LIFE.

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

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## Goods and Services

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Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*..\* identify additional (new) wording in the goods/services.

For: banking services; investment management, namely, fiduciary representation services and financial planning services

International Class(es): 036 - Primary Class

U.S Class(es): 100, 101, 102

Class Status: ACTIVE

Basis: 1(a)

First Use: 1979

Use in Commerce: 1979

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## Basis Information (Case Level)

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Filed Use: Yes

Currently Use: Yes

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

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## Current Owner(s) Information

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Owner Name: Old National Bank

Owner Address: 1 Main Street  
Evansville, INDIANA 47708  
UNITED STATES

Legal Entity Type: chartered bank

State or Country Where Organized: INDIANA



## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Caitlin R. Byczko

**Docket Number:** 30428-269016

**Attorney Primary Email Address:** [cbyczko@btlaw.com](mailto:cbyczko@btlaw.com)

**Attorney Email Authorized:** Yes

### Correspondent

**Correspondent Name/Address:** CAITLIN R. BYCZKO  
BARNES & THORNBURG LLP  
11 SOUTH MERIDIAN STREET  
INDIANAPOLIS, INDIANA 46204-3535  
UNITED STATES

**Phone:** 317-236-1313

**Fax:** 317-231-7433

**Correspondent e-mail:** [cbyczko@btlaw.com](mailto:cbyczko@btlaw.com) [TMINDocket@btlaw.com](mailto:TMINDocket@btlaw.com)

**Correspondent e-mail Authorized:** Yes

### Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Nov. 16, 2017	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Nov. 16, 2017	NON-FINAL ACTION E-MAILED	6325
Nov. 16, 2017	NON-FINAL ACTION WRITTEN	76081
Nov. 14, 2017	ASSIGNED TO EXAMINER	76081
Sep. 18, 2017	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Sep. 16, 2017	NEW APPLICATION ENTERED IN TRAM	

## TM Staff and Location Information

### TM Staff Information

**TM Attorney:** DWYER, JOHN D

**Law Office Assigned:** LAW OFFICE 116

### File Location

**Current Location:** TMO LAW OFFICE 116 - EXAMINING ATTORNEY ASSIGNED

**Date in Location:** Nov. 16, 2017

# EXHIBIT B

Generated on: This page was generated by TSDR on 2018-02-13 15:21:26 EST

Mark: YOUR BANK. FOR LIFE.

YOUR BANK. FOR LIFE.

US Serial Number: 87315217

Application Filing Date: Jan. 26, 2017

Filed as TEAS RF: Yes

Currently TEAS RF: Yes

Register: Principal

Mark Type: Service Mark

Status: A request for an extension of time to file an opposition has been filed with the Trademark Trial and Appeal Board. For further information, see TTABVue on the Trademark Trial and Appeal Board web page.

Status Date: Sep. 18, 2017

Publication Date: Aug. 22, 2017

## Mark Information

Mark Literal Elements: YOUR BANK. FOR LIFE.

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Disclaimer: "YOUR BANK"

## Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((..)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*.\* identify additional (new) wording in the goods/services.

For: Banking services

International Class(es): 036 - Primary Class

U.S Class(es): 100, 101, 102

Class Status: ACTIVE

Basis: 1(a)

First Use: Jun. 30, 2012

Use in Commerce: Jun. 30, 2012

## Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

## Current Owner(s) Information

Owner Name: American National Bank of Texas

Owner Address: P.O. Box 40  
Terrell, TEXAS 75160  
UNITED STATES

Legal Entity Type: federally chartered national bank

State or Country: TEXAS

Where Organized:

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Lekha Gopalakrishnan

**Docket Number:** 19123-K006US

**Attorney Primary Email Address:** [lgopalakrishnan@winstead.com](mailto:lgopalakrishnan@winstead.com)

**Attorney Email Authorized:** Yes

### Correspondent

**Correspondent Name/Address:** LEKHA GOPALAKRISHNAN  
WINSTEAD PC  
P.O. BOX 131851  
DALLAS, TEXAS 75313-1851  
UNITED STATES

**Phone:** 214-745-5356

**Fax:** 214-745-5390

**Correspondent e-mail:** [tmocket@winstead.com](mailto:tmocket@winstead.com) [lgopalakrishnan@winstead.com](mailto:lgopalakrishnan@winstead.com)  
[ad.com](mailto:ad.com) [awalker@winstead.com](mailto:awalker@winstead.com)

**Correspondent e-mail Authorized:** Yes

### Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Feb. 11, 2018	TEAS POST PUBLICATION AMENDMENT RECEIVED	1111
Sep. 18, 2017	EXTENSION OF TIME TO OPPOSE RECEIVED	
Aug. 22, 2017	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Aug. 22, 2017	PUBLISHED FOR OPPOSITION	
Aug. 02, 2017	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jul. 11, 2017	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jun. 23, 2017	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Jun. 22, 2017	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Jun. 22, 2017	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Apr. 27, 2017	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Apr. 27, 2017	NON-FINAL ACTION E-MAILED	6325
Apr. 27, 2017	NON-FINAL ACTION WRITTEN	81094
Apr. 21, 2017	ASSIGNED TO EXAMINER	81094
Jan. 30, 2017	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jan. 30, 2017	NEW APPLICATION ENTERED IN TRAM	

## TM Staff and Location Information

### TM Staff Information

**TM Attorney:** KUNG, KHELIE ELIZABETH

**Law Office Assigned:** LAW OFFICE 103

### File Location

**Current Location:** PUBLICATION AND ISSUE SECTION

**Date in Location:** Jul. 14, 2017

## Proceedings

### Summary

**Number of Proceedings:** 1

### Type of Proceeding: Extension of Time

**Proceeding Number:** [87315217](#)

**Filing Date:** Sep 18, 2017

**Status:** Not Instituted

**Status Date:** Sep 18, 2017

**Interlocutory Attorney:**

**Defendant**

**Name:** American National Bank of Texas

**Correspondent Address:** LEKHA GOPALAKRISHNAN  
WINSTEAD PC  
P.O. BOX 131851  
DALLAS TX , 75313-1851

**Correspondent e-mail:** [tmndocket@winstead.com](mailto:tmndocket@winstead.com) , [lgopalakrishnan@winstead.com](mailto:lgopalakrishnan@winstead.com) , [awalker@winstead.com](mailto:awalker@winstead.com)

Associated marks			
Mark	Application Status	Serial Number	Registration Number
YOUR BANK. FOR LIFE.	Request For Extension of Time to File Opposition	<a href="#">87315217</a>	

**Potential Opposer(s)**

**Name:** Old National Bank

**Correspondent Address:** Caitlin R. Byczko; Julia Spoor Gard  
Barnes & Thornburg LLP  
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UNITED STATES

**Correspondent e-mail:** [cbyczko@btlaw.com](mailto:cbyczko@btlaw.com) , [tmndocket@btlaw.com](mailto:tmndocket@btlaw.com) , [jgard@btlaw.com](mailto:jgard@btlaw.com)

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	INCOMING - EXT TIME TO OPPOSE FILED	Sep 18, 2017	
2	EXTENSION OF TIME GRANTED	Sep 18, 2017	
3	INCOMING - EXT TIME TO OPPOSE FILED	Dec 11, 2017	
4	EXTENSION OF TIME GRANTED	Dec 11, 2017	