

ESTTA Tracking number: **ESTTA991378**

Filing date: **07/30/2019**

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	Heartland Financial USA, Inc.
Granted to Date of previous extension	07/31/2019
Address	1398 CENTRAL AVENUE DUBUQUE, IA 52001 UNITED STATES

Attorney information	Lisa Osman/Evan Everist Dorsey & Whitney LLP 1400 Wewatta Street, Suite 400 Denver, CO 80202 UNITED STATES ip.docket@dorsey.com, everist.ivan@dorsey.com, osman.lisa@dorsey.com 303-629-3400
----------------------	--

**Applicant Information**

Application No	88188627	Publication date	04/02/2019
Opposition Filing Date	07/30/2019	Opposition Period Ends	07/31/2019
Applicant	Tauriainen, Julie K 700 Redwood Heights Rd Aptos, CA 950032497 UNITED STATES		

**Goods/Services Affected by Opposition**


Class 036. First Use: 2018/01/15 First Use In Commerce: 2018/05/01 All goods and services in the class are opposed, namely: Financial investment brokerage services
--


**Grounds for Opposition**

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

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

U.S. Registration No.	4813596	Application Date	12/16/2013
Registration Date	09/15/2015	Foreign Priority Date	NONE
Word Mark	SAVVY		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 009. First use: First Use: 2012/06/30 First Use In Commerce: 2012/06/30 Computer communications software to allow customers to access bank account information and transact bank business; computer software for enabling mobile banking; downloadable software in the nature of a mobile application for electronic check conversion and remote deposit services, electronic transfer of money, electronic payment, viewing bank account information, electronic payment of bills; downloadable software in the nature of a mobile application which enables users to locate and receive navigational directions to locations at which financial services are provided; downloadable software in the nature of a mobile application that allows users to communicate with financial services professionals; computer programs to facilitate consumer transactions, customer support, promote the goods and services of others and support sales transactions all made via social media and online networks

U.S. Application No.	86145036	Application Date	12/16/2013
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	SAVVY		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 0 First Use In Commerce: 0 Business and Personal Credit Card Incentive Reward Programs, Namely, Awarding Points and Rewards for Credit Card Use Class 036. First use: First Use: 0 First Use In Commerce: 0 Online Banking Services; Banking and Financing Services; Credit and Loan Services; Electronic Transfer of Money; Checking Account Services; Savings Account Services; Electronic Banking Via a Global Computer Network; Banking Services Provided by Mobile Telephone Connections; Debit Card Services; Issuing Prepaid Debit Cards; Issuing Reloadable Debit Cards; Issuing Prepaid Credit Cards; Issuing Stored Value Cards; Providing Stored Value Card Services; Ad-		

	<p>ministration of Health Savings Accounts; Automated Teller Machine (ATM) Banking Services; Bill Payment Services, namely, Payment Administration; On-Line Banking Services Featuring Electronic Alerts that Alert Credit and Debit Card Users When a Single Transaction Exceeds a Certain Amount or When a Fraudulent Transaction has been Made Through the User's Account; Providing a Website and Social Media Website Featuring Information In The Fields of Banking and Financial Services; Commercial Purchasing Credit Card Services; Business and Personal Credit Card Services</p>
--	--

U.S. Registration No.	4813597	Application Date	12/16/2013
-----------------------	---------	------------------	------------

Registration Date	09/15/2015	Foreign Priority Date	NONE
-------------------	------------	-----------------------	------

Word Mark	SAVVY		
-----------	-------	--	--

Design Mark			
-------------	--	--	--

Description of Mark	NONE		
---------------------	------	--	--

Goods/Services	<p>Class 042. First use: First Use: 2012/07/01 First Use In Commerce: 2012/07/01 Providing on-line non-downloadable computer communications software to allow customers to access bank account information and transact bank business; providing on-line non-downloadable computer software for enabling mobile banking; providing on-line non-downloadable software for use in connection with electronic check conversion and remote deposit services, electronic transfer of money, electronic payment, viewing bank account information, electronic payment of bills; providing on-line non-downloadable software which enables users to locate and receive navigational directions to locations at which financial services are provided; providing on-line non-downloadable software that allows users to communicate with financial service professionals; providing on-line non-downloadable software for use in connection with fraud and identity theft protection; providing on-line non-downloadable software to facilitate consumer transactions, customer support, promote the goods and services of others and support sales transactions all made via social media and on-line networks; computer services, namely, hosting and maintaining an on-line web site for others for banking that can be used across platforms to connect users through various electronic mediums, including electronic chat messaging, instant messaging, tweeting, and electronic mail</p>		
----------------	---	--	--

U.S. Registration No.	4927964	Application Date	12/16/2013
-----------------------	---------	------------------	------------

Registration Date	03/29/2016	Foreign Priority Date	NONE
-------------------	------------	-----------------------	------

Word Mark	SAVVY		
-----------	-------	--	--

Design Mark	<h1>SAVVY</h1>
Description of Mark	NONE
Goods/Services	Class 045. First use: First Use: 2012/07/01 First Use In Commerce: 2012/07/01 Fraud and identity theft protection services; providing fraud detection services for electronic funds transfer, credit and debit card and electronic check transactions via a global computer network; financial identity monitoring services for fraud protection purposes

Attachments	86145014#TMSN.png( bytes ) 86145036#TMSN.png( bytes ) 86145048#TMSN.png( bytes ) 86145056#TMSN.png( bytes ) SAVVY SISTERS NOO.pdf(355497 bytes )
-------------	--

Signature	/Evan Everist/
Name	Evan Everist
Date	07/30/2019

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

In the matter of trademark application Serial No.: 88/188,627  
Filed: November 9, 2018  
For the mark: **SAVVY SISTERS**  
Published in the Official Gazette on: April 2, 2019

_____	)	
Heartland Financial USA, Inc.,	)	
Opposer,	)	Opposition No. _____
	)	
v.	)	Opposer's Ref.: M281841
	)	
Julie K. Tauriainen,	)	
Applicant.	)	
_____	)	

Trademark Trial and Appeal Board  
U.S. Patent and Trademark Office  
P.O. Box 1451  
Alexandria, VA 22313-1451

**NOTICE OF OPPOSITION**

Heartland Financial USA, Inc. ("Opposer"), a corporation organized under the laws of the State of Delaware, with a principal place of business at 1398 Central Avenue, Dubuque, Iowa 52001, believes it will be damaged by the registration of the mark shown in the above-identified application, and hereby opposes the same

As grounds for the opposition, it is alleged that:

1. Julie K. Tauriainen ("Applicant") is an individual residing at 700 Redwood Heights Rd., Aptos, California 95003-2497. Applicant filed an application under Section 1(a) of the Lanham Act on November 9, 2018, for registration on the Principal Register of the mark **SAVVY SISTERS** (the "Opposed Mark") for use with "Financial investment brokerage services" in International Class 36 ("the Opposed Application").

2. The Opposed Application was published for opposition in the Official Gazette (Trademarks) on April 2, 2019.

3. Opposer sought a 90-day extension of time to oppose the Opposed Application on May 1, 2019, and was granted such request extending its deadline to oppose until July 31, 2019.

4. Opposer is the owner of the following U.S. trademark registrations and application ("Opposer's Marks"):

Mark	Ser. / Reg. No.	Filing Date / Reg. Date	Class: Goods/Services First Use Dates on Registration
<b>SAVVY</b>	86/145,014 4,813,596	Dec 16, 2013 Sept 15, 2015	9: Computer communications software to allow customers to access bank account information and transact bank business; computer software for enabling mobile banking; downloadable software in the nature of a mobile application for electronic check conversion and remote deposit services, electronic transfer of money, electronic payment, viewing bank account information, electronic payment of bills; downloadable software in the nature of a mobile application which enables users to locate and receive navigational directions to locations at which financial services are provided; downloadable software in the nature of a mobile application that allows users to communicate with financial services professionals; computer programs to facilitate consumer transactions, customer support, promote the goods and services of others and support sales transactions all made via social media and online networks  First Use: June 30, 2012; First Use in Commerce: June 30, 2012.
<b>SAVVY</b>	86/145,036	Dec 16, 2013	35: Business and personal credit card incentive reward programs, namely, awarding points and rewards for credit card use  36: Online banking services; banking and financing services; credit and loan services; electronic transfer of money; checking account services; savings account services; electronic banking via a global computer network; banking

Mark	Ser. / Reg. No.	Filing Date / Reg. Date	Class: Goods/Services First Use Dates on Registration
			<p>services provided by mobile telephone connections; debit card services; issuing prepaid debit cards; issuing reloadable debit cards; issuing prepaid credit cards; issuing stored value cards; providing stored value card services; administration of health savings accounts; automated teller machine (ATM) banking services; bill payment services, namely payment administration; on-line banking services featuring electronic alerts that alert credit and debit card users when a single transaction exceeds a certain amount or when a fraudulent transaction has been made through the user's account; providing a website and/or social media websites in the fields of banking and financial services; commercial purchasing credit card services; business and personal credit card services</p>
<p><b>SAVVY</b></p>	<p>86/145,048 4,813,597</p>	<p>Dec 16, 2013 Sept 15, 2015</p>	<p>42: Providing on-line non-downloadable computer communications software to allow customers to access bank account information and transact bank business; providing on-line non-downloadable computer software for enabling mobile banking; providing on-line non-downloadable software for use in connection with electronic check conversion and remote deposit services, electronic transfer of money, electronic payment, viewing bank account information, electronic payment of bills; providing on-line non-downloadable software which enables users to locate and receive navigational directions to locations at which financial services are provided; providing on-line non-downloadable software that allows users to communicate with financial service professionals; providing on-line non-downloadable software for use in connection with fraud and identity theft protection; providing on-line non-downloadable software to facilitate consumer transactions, customer support, promote the goods and services of others and support sales transactions all made via social media and on-line networks; computer services, namely, hosting and maintaining an on-line web site for others for banking that can be used across platforms to connect users through</p>

Mark	Ser. / Reg. No.	Filing Date / Reg. Date	Class: Goods/Services First Use Dates on Registration
			various electronic mediums, including electronic chat messaging, instant messaging, tweeting, and electronic mail  First Use: July 1, 2012; First Use in Commerce: July 1, 2012.
<b>SAVVY</b>	86/145,056 4,927,964	Dec 16, 2013 Mar 29, 2016	45: Fraud and identity theft protection services; providing fraud detection services for electronic funds transfer, credit and debit card and electronic check transactions via a global computer network; financial identity monitoring services for fraud protection purposes  First Use: July 1, 2012; First Use in Commerce: July 1, 2012.

**Likelihood of Confusion (Lanham Act § 2(d))**

5. Opposer has continuously used Opposer's Marks with financial and banking services and software since at least as early as June 2012. Opposer's Marks have not been abandoned.
6. The Opposed Application was filed on November 9, 2018, with claimed first-use dates of May 1, 2018.
7. Opposer's rights in the **SAVVY** mark were established well prior the filing and claimed first-use dates for the Opposed Application.
8. Applicant has not been licensed or in any way authorized by Opposer to use the Opposed Mark, or any mark containing a variation of the term SAVVY, for any goods or services.



9. Applicant's Opposed Mark is likely to cause confusion, to cause mistake, or to deceive, if used with the services identified in the Opposed Application, with consequent injury to Opposer and the public. The Opposed Mark contains the whole of Opposer's **SAVVY** mark. Additionally, the term SAVVY is the first and most distinctive portion of the Opposed Mark.

10. The goods and services of Opposer and Applicant are closely related and likely to be offered to overlapping customers and in overlapping channels of trade.

11. As a result, it is likely that consumers would mistakenly believe that Applicant's services are being offered by Opposer or are in some way related, sponsored or endorsed by, or connected with Opposer. Because Opposer has prior trademark rights and because the marks are confusingly similar, the Opposed Application should be refused under Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

12. Opposer will be damaged by the registration sought by Applicant within the meaning of 15 U.S.C. § 1063 because such registration would support and assist Applicant in the confusing, and misleading use of Applicant's Mark, and would give color of exclusive statutory rights to Applicant in violation and derogation of the prior and superior rights of Opposer.

WHEREFORE, Opposer prays that application Serial No. 88/188,627 be rejected and that registration of the Opposed Mark be refused.

Respectfully submitted,

DORSEY & WHITNEY LLP

Date: July 30, 2019

By:



---

Lisa A. Osman  
Evan P. Everist  
1400 Wewatta Street, Suite 400  
Denver, Colorado 80202-5549  
Tel: (303) 629-3400  
Fax: (303) 629-3450  
osman.lisa@dorsey.com  
everist.evan@dorsey.com

ATTORNEYS FOR OPPOSER  
HEARTLAND FINANCIAL USA, INC.