

ESTTA Tracking number: **ESTTA1025181**

Filing date: **12/23/2019**

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	Snap Finance LLC		
Entity	limited liability company	Citizenship	Utah
Address	1141 West 2400 South Salt Lake City, UT 84111 UNITED STATES		

Attorney information	Gregory M. Hess Parr Brown Gee & Loveless, P.C. 101 S. 200 E., Suite 700 Salt Lake City, UT 84111 UNITED STATES ghess@parrbrown.com, calendar@parrbrown.com 801-532-7840		
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**Applicant Information**

Application No	88571702	Publication date	12/17/2019
Opposition Filing Date	12/23/2019	Opposition Period Ends	01/16/2020
Applicant	PRO Equity Partners, Inc. 5631 N. Figarden Drive, #102 Fresno, CA 93722 UNITED STATES		

**Goods/Services Affected by Opposition**


Class 036. First Use: 2014/10/01 First Use In Commerce: 2014/10/01 All goods and services in the class are opposed, namely: Providing home loans, home refinancing, and home loan modifications
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**Grounds for Opposition**


Priority and likelihood of confusion	Trademark Act Section 2(d)
Registration barred by claim or issue preclusion	Mayer/Berkshire Corp. v. Berkshire Fashions Inc., 424 F.3d 1229, 76 USPQ2d 1310 (Fed. Cir. 2005)

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

U.S. Registration No.	4955321	Application Date	08/20/2015
Registration Date	05/10/2016	Foreign Priority Date	NONE

Word Mark	SNAP! FINANCE
Design Mark	
Description of Mark	NONE
Goods/Services	Class 036. First use: First Use: 2012/11/17 First Use In Commerce: 2012/11/17 Lease-purchase and rent-to-own financing services provided to merchants and consumers in the field of consumer goods Class 042. First use: First Use: 2012/12/03 First Use In Commerce: 2012/12/03 Providing a secure electronic online system featuring technology that allows merchants and consumers to access lease-purchase and rent-to-own financing services by applying for financing, receiving approval or disapproval of financing, managing personal information, and making payments in the field of consumer goods

U.S. Registration No.	4955340	Application Date	08/20/2015
Registration Date	05/10/2016	Foreign Priority Date	NONE

Word Mark	SNAP! FINANCE
Design Mark	
Description of Mark	The mark consists of a stylized form of the word "SNAP!", all over a stylized form of the word "FINANCE".
Goods/Services	Class 036. First use: First Use: 2012/11/17 First Use In Commerce: 2012/11/17 Lease-purchase and rent-to-own financing services provided to merchants and consumers in the field of consumer goods Class 042. First use: First Use: 2012/12/03 First Use In Commerce: 2012/12/03 Providing a secure electronic online system featuring technology that allows merchants and consumers to access lease-purchase and rent-to-own financing services by applying for financing, receiving approval or disapproval of financing, managing personal information, and making payments in the field of consumer goods

Related Proceedings	Cancellation No. 92068197
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Attachments	86731503#TMSN.png( bytes ) 86731859#TMSN.png( bytes ) Notice of Opposition.pdf(787857 bytes )
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Signature	/Gregory M. Hess/
Name	Gregory M. Hess
Date	12/23/2019

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

SNAP FINANCE LLC,

Opposer,

v.

PRO EQUITY PARTNERS, INC.,

Applicant.


**NOTICE OF OPPOSITION**

Application No. 88571702

SNAP! HOME LOANS  
(and design)

Opposer Snap Finance LLC, a Utah limited liability company having a place of business at 1141 West 2400 South, Salt Lake City, Utah 84119, believes that it is or will be damaged by the issuance of a registration for the mark shown in Application No. 88571702. Opposer therefore opposes the same pursuant to Section 13(a) of the Lanham Trademark Act of 1946 (“Lanham Act”), 15 U.S.C. § 1046(1). As grounds for opposition, Opposer alleges as follows:

1. Opposer owns of the following two valid and subsisting registrations:

MARK	REG. NO.	SERVICES
SNAP! FINANCE	4955321	<p>International Class 36: Lease-purchase and rent-to-own financing services provided to merchants and consumers in the field of consumer goods.</p> <p>International Class 42: Providing a secure electronic online system featuring technology that allows merchants and consumers to access lease-purchase and rent-to-own financing services by applying for financing, receiving approval or disapproval of financing, managing personal information, and making payments in the field of consumer goods.</p>
	4955340	<p>International Class 36: Lease-purchase and rent-to-own financing services provided to merchants and consumers in the field of consumer goods.</p> <p>International Class 42: Providing a secure electronic online system featuring technology that allows merchants and consumers to access lease-purchase and rent-to-own financing services by applying for financing, receiving approval or disapproval of financing, managing personal information, and making payments in the field of consumer goods.</p>

2. True and correct printouts of the PTO's information on the registrations of the marks shown in the table above (the "Snap! Finance Marks") are attached hereto as Exhibits 1 and 2.

3. As a result of the use of the Snap! Finance Marks by Opposer and its predecessor(s) in interest, Opposer owns valid and subsisting federal statutory and common law rights in and to the Snap! Finance Marks.

4. Opposer has expended substantial time, money, and resources in marketing, advertising, and promoting the services offered under the Snap! Finance Marks.

5. Opposer's efforts have led to Opposer's customers, potential customers, and the general public to recognize the Snap! Finance Marks and associate them with Opposer and its services. Opposer has therefore built up valuable goodwill in the Snap! Finance Marks.

6. Applicant PRO Equity Partners, Inc., with a record address of 5631 N. Figarden Drive, #102 Fresno, California 93722, is the record owner of U.S. Application No. 88571702 for the mark SNAP! Home Loans (and design) for "Providing home loans, home refinancing, and home loan modification." (the "SNAP! Home Loans Application").

7. Opposer and its predecessor(s)-in-interest began using the Snap! Finance Marks in commerce before Applicant began using the mark SNAP! Home Loans mark in commerce. Opposer is therefore the senior user and has priority of use.

8. Applicant previously owned a standard-character registration for the mark SNAP! Home Loans for "Providing home loans, home refinancing, and home loan modification," U.S. Registration No. 4,763,555 (the "SNAP! Home Loans Registration"). A true and correct copy of the specimen of use that Applicant submitted to obtain the SNAP! Home Loans Registration is attached hereto and incorporated herein as Exhibit 3, which shows use of the SNAP! Home Loans mark in the exact same design as the mark that is the subject of Application No. 88571702.

9. On June 20, 2017, Opposer filed U.S. Application Serial No. 87497941 to register the mark SNAP LOAN for “Loan financing services provided to merchants and consumers in the field of consumer services and consumer goods” in International Class 36 and for “Providing a secure electronic online system featuring technology that allows merchants and consumers to access loan financing services by applying for financing, receiving approval or disapproval of financing, managing personal information, and making payments in the field of consumer services and consumer goods” in International Class 42 (the “Snap Loan Application”).

10. On September 26, 2017, the PTO examiner on the Snap Loan Application issued an office action refusing registration of the SNAP LOAN mark for the above-listed services based on a likelihood of confusion with the mark covered by the SNAP! Home Loans Registration.

11. If, as the PTO examiner concluded, there is a likelihood of confusion between the SNAP LOAN mark for those services and the SNAP! Home Loans mark, there is also a likelihood of confusion between the SNAP! Home Loans mark and Opposer’s Snap! Finance Marks.

12. On March 26, 2018, Opposer filed a Petition for Cancellation in the United States Patent and Trademark Office before the trademark Trial and Appeal Board (the “Board”), seeking cancellation of the SNAP! Home Loans Registration based on priority and likelihood of confusion under Sections 14(1) and 2(d) of the Trademark Act. A true and correct copy of the Petition for Cancellation is attached hereto and incorporated herein as Exhibit 4.

13. On November 15, 2018, the Board entered judgment by default in favor of Opposer and against Applicant in Cancellation No. 92068197, granted Opposer’s Petition for Cancellation, and stated that Registration No. 4763555 would be cancelled in due course by the Commissioner for Trademarks. A true and correct copy of the default judgment is attached hereto as Exhibit 5.

14. On November 16, 2018, the Commissioner for Trademarks cancelled Registration No. 4763555. A true and correct copy of the cancellation is attached hereto as Exhibit 6.

15. The default judgment that the Board entered against Applicant and in favor of Opposer in Cancellation No. 92068197 is res judicata on the issues of priority and likelihood of confusion in this opposition proceeding, because the parties are identical and the issues are identical. That is particularly true given that Applicant's cancelled standard-character registration covered and encompassed the use of the SNAP! Home Loans mark in the exact same style and design as the mark shown in present Application No. 88571702 – indeed, the specimen of use for the cancelled standard-character registration showed a use of the mark that was identical to the present mark – and given that Applicant's Registration No. 4955321 was for the SNAP! FINANCE mark in standard characters.

WHEREFORE, Opposer respectfully prays that this Notice of Opposition be sustained and that Application No. 88571702 be denied.

Dated: December 23, 2019

Respectfully submitted,  
PARR BROWN GEE & LOVELESS

/Gregory M. Hess/

101 South 200 East, Suite 700  
Salt Lake City, Utah 84111  
801-532-7840  
[ghess@parrbrown.com](mailto:ghess@parrbrown.com)  
Attorneys for Snap Finance LLC

# EXHIBIT 1



**BULK DATA:** Since May 7 at 12 a.m., the TSDR Application Programming Interface (API) has not included all information. Images of trademark registration certificates issued since July 2016 and some office actions are absent in the API. Customers who need to retrieve a copy of a registration certificate or an office action should download it directly from the TSDR documents tab.

**INTERMITTENT SYSTEM ISSUES:** Due to high-volume usage, you may experience intermittent issues on the Trademark Status and Document Retrieval (TSDR) system between 6 – 8 a.m. ET. Refreshing your web browser should resolve the issue. If you still need assistance accessing a document, email [teas@uspto.gov](mailto:teas@uspto.gov) and include your serial number, the document you are looking for, and a screenshot of any error messages you have received.

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**Generated on:** This page was generated by TSDR on 2019-12-23 19:16:53 EST

**Mark:** SNAP! FINANCE

# SNAP! FINANCE

**US Serial Number:** 86731503

**Application Filing Date:** Aug. 20, 2015

**US Registration Number:** 4955321

**Registration Date:** May 10, 2016

**Register:** Principal

**Mark Type:** Service Mark

**TM5 Common Status**

LIVE/REGISTRATION/Issued and Active

**Descriptor:**



The trademark application has been registered with the Office

**Status:** Registered. The registration date is used to determine when post-registration maintenance documents are due.

**Status Date:** May 10, 2016

**Publication Date:** Feb. 23, 2016

## Mark Information

**Mark Literal Elements:** SNAP! FINANCE

**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:** "FINANCE"

## 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:** Lease-purchase and rent-to-own financing services provided to merchants and consumers in the

**International Class(es):** 036 - Primary Class

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

[Privacy - Terms](#)

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Nov. 17, 2012

**Use in Commerce:** Nov. 17, 2012

**For:** Providing a secure electronic online system featuring technology that allows merchants and consumers to a rent-to-own financing services by applying for financing, receiving approval or disapproval of financing, man and making payments in the field of consumer goods

**International Class(es):** 042 - Primary Class

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

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Dec. 03, 2012

**Use in Commerce:** Dec. 03, 2012

## Basis Information (Case Level)

**Filed Use:** Yes

**Currently Use:** Yes

**Filed ITU:** No

**Currently ITU:** No

**Filed 44D:** No

**Currently 44E:** No

**Filed 44E:** No

**Currently 66A:** No

**Filed 66A:** No

**Currently No Basis:** No

**Filed No Basis:** No

## Current Owner(s) Information

**Owner Name:** Snap Finance LLC

**Owner Address:** 1141 West 2400 South  
Salt Lake City, UTAH UNITED STATES 84119

**Legal Entity Type:** LIMITED LIABILITY COMPANY

**State or Country Where Organized:** UTAH

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Gregory M. Hess

**Attorney Primary Email Address:** [ghess@parrbrown.com](mailto:ghess@parrbrown.com)

**Attorney Email Authorized:** Yes

### Correspondent

**Correspondent Name/Address:** GREGORY M. HESS

Parr Brown Gee & Loveless P C  
101 S 200 E Ste 700  
Salt Lake City, UTAH UNITED STATES 84111-3105

**Phone:** 801-532-7840

**Fax:** 801-532-7750

**Correspondent e-mail:** [ghess@parrbrown.com](mailto:ghess@parrbrown.com)  
[cpehrson@parrbrown.com](mailto:cpehrson@parrbrown.com)

**Correspondent e-mail Authorized:** Yes

**Domestic Representative - Not Found**

## Prosecution History

Date	Description	Proceeding Number
Jul. 12, 2017	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
May 10, 2016	REGISTERED-PRINCIPAL REGISTER	
Feb. 23, 2016	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Feb. 23, 2016	PUBLISHED FOR OPPOSITION	
Feb. 03, 2016	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jan. 21, 2016	ASSIGNED TO EXAMINER	91167
Dec. 10, 2015	APPROVED FOR PUB - PRINCIPAL REGISTER	
Dec. 10, 2015	EXAMINER'S AMENDMENT ENTERED	88888
Dec. 10, 2015	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Dec. 10, 2015	EXAMINERS AMENDMENT E-MAILED	6328
Dec. 10, 2015	EXAMINERS AMENDMENT -WRITTEN	92459
Dec. 03, 2015	ASSIGNED TO EXAMINER	92459
Aug. 25, 2015	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Aug. 24, 2015	NEW APPLICATION ENTERED IN TRAM	

## TM Staff and Location Information

**TM Staff Information - None**

**File Location**

**Current Location:** PUBLICATION AND ISSUE SECTION

**Date in Location:** May 10, 2016

## Assignment Abstract Of Title Information - Click to Load

## Proceedings - Click to Load

# **EXHIBIT 2**

**BULK DATA:** Since May 7 at 12 a.m., the TSDR Application Programming Interface (API) has not included all information. Images of trademark registration certificates issued since July 2016 and some office actions are absent in the API. Customers who need to retrieve a copy of a registration certificate or an office action should download it directly from the TSDR documents tab.

**INTERMITTENT SYSTEM ISSUES:** Due to high-volume usage, you may experience intermittent issues on the Trademark Status and Document Retrieval (TSDR) system between 6 – 8 a.m. ET. Refreshing your web browser should resolve the issue. If you still need assistance accessing a document, email [teas@uspto.gov](mailto:teas@uspto.gov) and include your serial number, the document you are looking for, and a screenshot of any error messages you have received.

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**Mark:** SNAP! FINANCE

**snap!**  
**finance**

**US Serial Number:** 86731859

**Application Filing Date:** Aug. 20, 2015

**US Registration Number:** 4955340

**Registration Date:** May 10, 2016

**Register:** Principal

**Mark Type:** Service Mark

**TM5 Common Status**

LIVE/REGISTRATION/Issued and Active

**Descriptor:**



The trademark application has been registered with the Office

**Status:** Registered. The registration date is used to determine when post-registration maintenance documents are due.

**Status Date:** May 10, 2016

**Publication Date:** Feb. 23, 2016

## Mark Information

**Mark Literal Elements:** SNAP! FINANCE

**Standard Character Claim:** No

**Mark Drawing Type:** 5 - AN ILLUSTRATION DRAWING WITH WORD(S) /LETTER(S)/ NUMBER(S) INSTYLIZED FORM

**Description of Mark:** The mark consists of a stylized form of the word "SNAP!", all over a stylized form of the word "FINANCE".

**Color(s) Claimed:** Color is not claimed as a feature of the mark.

**Disclaimer:** "FINANCE"

## 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:** Lease-purchase and rent-to-own financing services provided to merchants and consumers in the field of co

**International Class(es):** 036 - Primary Class

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

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Nov. 17, 2012

**Use in Commerce:** Nov. 17, 2012

**For:** Providing a secure electronic online system featuring technology that allows merchants and consumers to a rent-to-own financing services by applying for financing, receiving approval or disapproval of financing, man and making payments in the field of consumer goods

**International Class(es):** 042 - Primary Class

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

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Dec. 03, 2012

**Use in Commerce:** Dec. 03, 2012

## Basis Information (Case Level)

**Filed Use:** Yes

**Currently Use:** Yes

**Filed ITU:** No

**Currently ITU:** No

**Filed 44D:** No

**Currently 44E:** No

**Filed 44E:** No

**Currently 66A:** No

**Filed 66A:** No

**Currently No Basis:** No

**Filed No Basis:** No

## Current Owner(s) Information

**Owner Name:** Snap Finance LLC

**Owner Address:** 1141 West 2400 South  
Salt Lake City, UTAH UNITED STATES 84119

**Legal Entity Type:** LIMITED LIABILITY COMPANY

**State or Country Where Organized:** UTAH

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Gregory M. Hess

**Attorney Primary Email Address:** [ghess@parrbrown.com](mailto:ghess@parrbrown.com)

**Attorney Email Authorized:** Yes

### Correspondent

**Correspondent Name/Address:** GREGORY M. HESS

Parr Brown Gee & Loveless P C  
101 S 200 E Ste 700

Salt Lake City, UTAH UNITED STATES 84111-3105

**Phone:** 801-532-7840

**Fax:** 801-550-  
[Privacy - Terms](#)

Correspondent e-mail: [gness@parrbrown.com](mailto:gness@parrbrown.com)  
[cpehrson@parrbrown.com](mailto:cpehrson@parrbrown.com)  
[calendar@parrbrown.com](mailto:calendar@parrbrown.com)  
[ncalloway@parrbrown.com](mailto:ncalloway@parrbrown.com)

Correspondent e-mail Yes  
Authorized:

**Domestic Representative - Not Found**

## Prosecution History

Date	Description	Proceeding Number
Jul. 12, 2017	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
May 10, 2016	REGISTERED-PRINCIPAL REGISTER	
Feb. 23, 2016	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Feb. 23, 2016	PUBLISHED FOR OPPOSITION	
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Jan. 21, 2016	ASSIGNED TO EXAMINER	91167
Dec. 10, 2015	APPROVED FOR PUB - PRINCIPAL REGISTER	
Dec. 10, 2015	EXAMINER'S AMENDMENT ENTERED	88888
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Dec. 10, 2015	EXAMINERS AMENDMENT E-MAILED	6328
Dec. 10, 2015	EXAMINERS AMENDMENT -WRITTEN	92459
Dec. 03, 2015	ASSIGNED TO EXAMINER	92459
Aug. 26, 2015	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Aug. 24, 2015	NEW APPLICATION ENTERED IN TRAM	

## TM Staff and Location Information

**TM Staff Information - None**

**File Location**

**Current Location:** PUBLICATION AND ISSUE SECTION

**Date in Location:** May 10, 2016

**Assignment Abstract Of Title Information - Click to Load**

**Proceedings - Click to Load**

# EXHIBIT 3





The Best Price. The Best Service. Period.

Month after month, thousands of borrowers over pay for their home loans. We break the mold by offering our clients the best prices possible with the best loan experience we can offer. Give us a shot! You won't be disappointed!

1 MOST AFFORDABLE HOME LOANS

From our FLAT FEE REFINANCE LOANS to our DOWN PAYMENT ONLY FHA LOANS, we provide you with the best loan products at the lowest possible prices.

2 NO HIDDEN FEES OR CHARGES

We are very upfront with fees. We are not looking to nickle and dime our customers. We try our best to be exact on all estimates with no surprises come closing time.

3 DARE TO COMPARE!

We are INSANELY CHEAP! We dare you to compare us against any financing options. Our purpose is to save you money!

Get Started Now!

What Type of Loan are you Looking for? [dropdown]

What is Your Estimated Credit Score? [dropdown]

What is the Best Time to Contact You? \* [dropdown]

What is Your Zip Code? \* [input]

Email \* [input]

Phone Number \* [input]

First Name \* [input]

Last Name \* [input]

Are You Working With a Real Estate Agent? \*

# EXHIBIT 4

ESTTA Tracking number: **ESTTA885819**

Filing date: **03/26/2018**

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

## Petition for Cancellation

Notice is hereby given that the following party has filed a petition to cancel the registration indicated below.

### Petitioner Information

Name	Snap Finance, LLC		
Entity	limited liability company	Citizenship	Utah
Address	1141 West 2400 South Salt Lake City, UT 84119 UNITED STATES		

Attorney information	Gregory M. Hess Parr Brown Gee & Loveless, P.C. 101 S. 200 E., Suite 700 Salt Lake City, UT 84111 UNITED STATES Email: ghesse@parrbrown.com, calendar@parrbrown.com Phone: 8015327840
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### Registration Subject to Cancellation

Registration No.	4763555	Registration date	06/30/2015
Registrant	PRO Equity Partners, Inc. Suite I-10 755 N. Peach Ave. Clovis, CA 93611 UNITED STATES Email: tristan@mynaploan.com		

### Goods/Services Subject to Cancellation

Class 036. First Use: 2014/01/01 First Use In Commerce: 2014/01/01 All goods and services in the class are subject to cancellation, namely: Providing home loans, home refinancing, and home loan modification
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### Grounds for Cancellation

Priority and likelihood of confusion	Trademark Act Sections 14(1) and 2(d)
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### Marks Cited by Petitioner as Basis for Cancellation

U.S. Registration No.	4955321	Application Date	08/20/2015
Registration Date	05/10/2016	Foreign Priority Date	NONE
Word Mark	SNAP! FINANCE		

Design Mark	<b>SNAP! FINANCE</b>
Description of Mark	NONE
Goods/Services	Class 036. First use: First Use: 2012/11/17 First Use In Commerce: 2012/11/17 Lease-purchase and rent-to-own financing services provided to merchants and consumers in the field of consumer goods Class 042. First use: First Use: 2012/12/03 First Use In Commerce: 2012/12/03 Providing a secure electronic online system featuring technology that allows merchants and consumers to access lease-purchase and rent-to-own financing services by applying for financing, receiving approval or disapproval of financing, managing personal information, and making payments in the field of consumer goods

U.S. Registration No.	4955340	Application Date	08/20/2015
Registration Date	05/10/2016	Foreign Priority Date	NONE

Word Mark	SNAP! FINANCE
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Design Mark	
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Description of Mark	The mark consists of a stylized form of the word "SNAP!", all over a stylized form of the word "FINANCE".
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Goods/Services	Class 036. First use: First Use: 2012/11/17 First Use In Commerce: 2012/11/17 Lease-purchase and rent-to-own financing services provided to merchants and consumers in the field of consumer goods Class 042. First use: First Use: 2012/12/03 First Use In Commerce: 2012/12/03 Providing a secure electronic online system featuring technology that allows merchants and consumers to access lease-purchase and rent-to-own financing services by applying for financing, receiving approval or disapproval of financing, managing personal information, and making payments in the field of consumer goods
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Attachments	86731503#TMSN.png( bytes ) 86731859#TMSN.png( bytes )
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	Petition for Cancellation of U.S. Reg. No. 4763555.pdf(543064 bytes )
Signature	/Gregory M. Hess/
Name	Gregory M. Hess
Date	03/26/2018

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

SNAP FINANCE, LLC,  
  
Petitioner,  
  
v.  
  
PRO EQUITY PARTNERS, INC.,  
  
Respondent.

**PETITION FOR CANCELLATION**


Registration No. 4763555  
  
(SNAP! Home Loans)

Petitioner Snap Finance, LLC (“Snap Finance”), a Utah limited liability company having a place of business at 1141 West 2400 South Salt Lake City UTAH 84119, believes that it is or will be damaged by the registration for the mark shown in U.S. Registration No. 4763555. Snap Finance therefore petitions for cancellation of that registration pursuant to Section 14(1) of the Lanham Trademark Act of 1946 (“Lanham Act”), 15 U.S.C. § 1064(1).

As grounds for cancellation, Snap Finance alleges as follows:

1. Snap Finance is the owner of two relevant valid and subsisting Registrations on the Principal Register in the U.S. Patent and Trademark Office (“PTO”):

<b>MARK</b>	<b>REG. NO.</b>	<b>SERVICES</b>
SNAP! FINANCE	4955321	<p><u>International Class 36</u>: Lease-purchase and rent-to-own financing services provided to merchants and consumers in the field of consumer goods.</p> <p><u>International Class 42</u>: Providing a secure electronic online system featuring technology that allows merchants and consumers to access lease-purchase and rent-to-own financing services by applying for financing, receiving approval or disapproval of financing, managing personal information, and making payments in the field of consumer goods.</p>

	4955340	<p><u>International Class 36</u>: Lease-purchase and rent-to-own financing services provided to merchants and consumers in the field of consumer goods.</p> <p><u>International Class 42</u>: Providing a secure electronic online system featuring technology that allows merchants and consumers to access lease-purchase and rent-to-own financing services by applying for financing, receiving approval or disapproval of financing, managing personal information, and making payments in the field of consumer goods.</p>
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2. True and correct printouts of the PTO’s information on the registrations of the marks shown in the table above (the “Snap! Finance Marks”) are attached hereto as Exhibits A and B.

3. As a result of its use of the Snap! Finance Marks to identify its services with Snap Finance as their source, Snap Finance owns valid and subsisting federal statutory and common law rights in and to the Snap! Finance Marks.

4. Snap Finance has expended substantial time, money, and resources in marketing, advertising, and promoting the services offered under the Snap! Finance Marks.

5. Snap Finance’s efforts have led to Snap Finance’s customers, potential customers, and the general public to recognize the Snap! Finance Marks and associate them with Snap Finance and its services. Snap Finance has therefore built up valuable goodwill in the Snap! Finance Marks.

6. Respondent PRO Equity Partners, Inc., with a record address of 755 N. Peach Ave., Suite I-10, Clovis, California 93611, is the record owner of U.S. Registration No. 4763555 for the mark SNAP! Home Loans for “Providing home loans, home refinancing, and home loan modification.” (the “SNAP! Home Loans Registration”).

7. Snap Finance began using its Snap! Finance Marks in commerce before Respondent began using its SNAP! Home Loans mark in commerce. Whereas Respondent claims a date of first use in commerce of January 1, 2014, Snap Finance began using its Snap! Finance Marks at least as early as November 17, 2012 for its services in International Class 36 and December 3, 2012 for its services in International Class 42. Snap Finance is therefore the senior user.

8. On June 20, 2017, Petitioner filed U.S. Application Serial No. 87497941 to register the mark SNAP LOAN for “Loan financing services provided to merchants and consumers in the field of consumer services and consumer goods” in International Class 36 and for “Providing a secure electronic online system featuring technology that allows merchants and consumers to access loan financing services by applying for financing, receiving approval or disapproval of financing, managing personal information, and making payments in the field of consumer services and consumer goods” in International Class 42 (the “Application”).

9. On September 26, 2017, the PTO examiner on the Application issued an office action provisionally refusing registration of the SNAP LOAN mark for the above-listed services based on an alleged likelihood of confusion with the mark shown in the SNAP! Home Loans Registration.

10. If there is a likelihood of confusion between the SNAP LOAN mark for those services and the SNAP! Home Loans mark, there is also a likelihood of confusion between the SNAP! Home Loans mark and Petitioner’s Snap! Finance Marks, and Petitioner is the senior user. The SNAP! Home Loans Registration should therefore be cancelled.

WHEREFORE, Snap Finance respectfully prays that this Petition for Cancellation be granted and that U.S. Registration No. 4763555 be cancelled.

Dated: March 26, 2018

Respectfully submitted,  
PARR BROWN GEE & LOVELESS

/Gregory M. Hess/

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84111 801-532-7840  
[gness@parrbrown.com](mailto:gness@parrbrown.com)  
Attorneys for Snap Finance, LLC



# EXHIBIT A



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# SNAP! FINANCE

**Word Mark** SNAP! FINANCE**Goods and Services** IC 036. US 100 101 102. G & S: Lease-purchase and rent-to-own financing services provided to merchants and consumers in the field of consumer goods. FIRST USE: 20121117. FIRST USE IN COMMERCE: 20121117

IC 042. US 100 101. G &amp; S: Providing a secure electronic online system featuring technology that allows merchants and consumers to access lease-purchase and rent-to-own financing services by applying for financing, receiving approval or disapproval of financing, managing personal information, and making payments in the field of consumer goods. FIRST USE: 20121203. FIRST USE IN COMMERCE: 20121203

**Standard Characters Claimed****Mark Drawing Code** (4) STANDARD CHARACTER MARK**Serial Number** 86731503**Filing Date** August 20, 2015**Current Basis** 1A**Original Filing Basis** 1A**Published for Opposition** February 23, 2016**Registration Number** 4955321**Registration Date** May 10, 2016**Owner** (REGISTRANT) Snap Finance LLC LIMITED LIABILITY COMPANY UTAH 1141 West 2400 South Salt Lake City UTAH 84119**Assignment Recorded** ASSIGNMENT RECORDED**Attorney of Record** Gregory M. Hess**Disclaimer** NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "FINANCE" APART FROM THE MARK AS SHOWN**Type of Mark** SERVICE MARK**Register** PRINCIPAL**Live/Dead Indicator** LIVE
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# **EXHIBIT B**



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Word Mark SNAP! FINANCE

Goods and Services IC 036. US 100 101 102. G & S: Lease-purchase and rent-to-own financing services provided to merchants and consumers in the field of consumer goods. FIRST USE: 20121117. FIRST USE IN COMMERCE: 20121117

IC 042. US 100 101. G & S: Providing a secure electronic online system featuring technology that allows merchants and consumers to access lease-purchase and rent-to-own financing services by applying for financing, receiving approval or disapproval of financing, managing personal information, and making payments in the field of consumer goods. FIRST USE: 20121203. FIRST USE IN COMMERCE: 20121203

Mark Drawing Code (5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM

Serial Number 86731859

Filing Date August 20, 2015

Current Basis 1A

Original Filing Basis 1A

Published for Opposition February 23, 2016

Registration Number 4955340

Registration Date May 10, 2016

Owner (REGISTRANT) Snap Finance LLC LIMITED LIABILITY COMPANY UTAH 1141 West 2400 South Salt Lake City UTAH 84119

Assignment Recorded ASSIGNMENT RECORDED

Attorney of Record Gregory M. Hess

Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "FINANCE" APART FROM THE MARK AS SHOWN

Description of Mark Color is not claimed as a feature of the mark. The mark consists of a stylized form of the word "SNAP!", all over a stylized form of the word "FINANCE".

Type of Mark SERVICE MARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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# **EXHIBIT 5**

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Trademark Trial and Appeal Board  
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Alexandria, VA 22313-1451  
General Contact Number: 571-272-8500  
General Email: [TTABInfo@uspto.gov](mailto:TTABInfo@uspto.gov)

mc

November 15, 2018

Cancellation No. 92068197

*Snap Finance, LLC*

*v.*

*PRO Equity Partners, Inc.*

**By the Trademark Trial and Appeal Board:**

On October 3, 2018, the Board issued a notice of default to Respondent because no answer had been filed.

No response to the notice of default has been filed.

Accordingly, judgment by default is hereby entered against Respondent, the petition to cancel is granted, and Registration No. 4763555 will be cancelled in due course by the Commissioner for Trademarks. *See* Fed. R. Civ. P. 55(b), and Trademark Rule 2.114(a).

# EXHIBIT 6

November 16, 2018

UNITED STATES PATENT AND TRADEMARK OFFICE

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*Snap Finance, LLC*

*v.*

*PRO Equity Partners, Inc.*

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Cancellation No. 92068197

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Gregory M. Hess of Parr Brown Gee & Loveless for Snap Finance, LLC.

PRO Equity Partners, Inc., pro se.

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The petition of Snap Finance, LLC having been granted on November 15, 2018,  
Registration No. 4763555 is hereby cancelled.