

ESTTA Tracking number: **ESTTA1073929**

Filing date: **08/10/2020**

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	KOOKMIN BANK CO., LTD.
Granted to Date of previous extension	08/09/2020
Address	84, NAMDAEMUN-RO, JUNG-GU SEOUL, 04534 KOREA, REPUBLIC OF
Attorney information	CATHERINE HOLLAND KNOBBE, MARTENS, OLSON & BEAR, LLP 2040 MAIN STREET, 14TH FLOOR IRVINE, CA 92614 UNITED STATES Primary Email: efiling@knobbe.com (949) 760-0404
Docket Number	YUL001.007M

Applicant Information

Application No.	88234703	Publication date	02/11/2020
Opposition Filing Date	08/10/2020	Opposition Period Ends	08/09/2020
Applicant	KB Home 10990 WILSHIRE BOULEVARD, 7TH FLOOR LOS ANGELES, CA 90024 UNITED STATES		

Goods/Services Affected by Opposition

Class 036. First Use: 2018/11/02 First Use In Commerce: 2018/11/02
All goods and services in the class are opposed, namely: Originating, underwriting, servicing, financing, and brokering mortgage loans

Grounds for Opposition

No use of mark in commerce before application or amendment to allege use was filed	Trademark Act Sections 1(a) and (c)
Other	Specimen submitted with the application is a token use of the mark, and does not demonstrate bona fide use of the mark in commerce.

Related Proceed-	Opposition No. 91226921 (Parent) Opposition No. 91230708 (Child) Opposition
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Attachments	Opposition Notice - YUL001.007M.pdf(19453 bytes)
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Signature	/ Catherine Holland /
Name	Catherine Holland
Date	08/10/2020

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

KOOKMIN BANK CO., LTD.

Opposer,

v.

KB HOME CORPORATION,

Applicant.

)
) Opposition No.: _____

)
) Serial No.: 88/234703



)
) Mark:

NOTICE OF OPPOSITION


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

Kookmin Bank Co., Ltd., a South Korean corporation with a business address of #26, Gukjegeumyung-ro 8-gil, Yeongdeungpo-gu, Seoul, Republic of Korea (“Opposer”) believes that it will be damaged by the registration of U.S. Trademark Application Serial No. 88/234703

(“Application”) for the mark  filed by KB Home Corporation (“Applicant”) and therefore opposes the same.





As grounds for opposition, it is alleged:

1. On December 19, 2018, Applicant filed U.S. Application Serial No. 88234703

mark  for “originating, underwriting, servicing, financing and brokering mortgage

loans” in International Class 36, claiming use of the mark in interstate commerce since November 2, 2018 (“Applicant’s Mark”).

2. Opposer and its related companies (collectively “Opposer”) provide financial services including banking, securities, and loan services under the mark “KB” (“KOOKMIN KB Mark”) used alone and in a variety of combination marks, including, but not limited to, KBIC, KBFG, and KB STAR BANK.

3. Opposer is the owner of U.S. Trademark Application Serial No. 88239616 for KB, Serial No. 88239639 for  KB, Serial No. 88239733 for  KB, Serial No. 88239714 for  KB, and Serial No. 88239752 for  KB, and Serial No. 88239647 (collectively referred to herein as “Opposer’s KOOKMIN KB Applications”). The USPTO has advised that each of Opposer’s KOOKMIN KB Applications may be refused registration under Section 2(d) of the Trademark Act, 15 U.S.C. § 1052(d) if Applicant’s Application matures to registration.

4. Upon information and belief, Applicant did not make bona fide use of Applicant’s Mark in commerce in connection with “originating, underwriting, servicing, financing and brokering mortgage loans” (“Mortgage Lending Services”) prior to the filing of Applicant’s use-based Application on December 19, 2018.

5. Upon information and belief, the specimens Applicant submitted to the USPTO on December 19, 2018 and July 3, 2019, purporting to show use of the Applicant’s Mark in commerce, were no more than a token use of Applicant’s Mark, and were created solely for the purpose of securing registration.

6. Applicant's failure to make bona fide use of Applicant's Mark in commerce prior to the December 19, 2018 filing date of Applicant's use-based Application, and Applicant's failure to provide specimens demonstrating bona fide use of Applicant's Mark in commerce in support Applicant's Application, render Applicant's Application void.

7. Opposer will be damaged by registration of Applicant's Mark in that Opposer's KOOKMIN KB Applications will be refused registration under Section 2(d) of the Trademark Act, 15 U.S.C. § 1052(d) based on a purported likelihood of confusion with any registration that may issue from Applicant's Application.

WHEREFORE, Opposer prays that U.S. Trademark Application Serial No. 88/234703 be rejected and stricken, that no registration be issued thereon to Applicant, and that this opposition be sustained in favor of Opposer.

Please charge Deposit Account No. 11-1410 to cover the opposition fee and any additional fees which may be required, or credit any overpayment to this account.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: August 10, 2020

By: / Catherine J. Holland /
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