

ESTTA Tracking number: **ESTTA1172592**

Filing date: **11/16/2021**

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	Stash Financial, Inc.		
Entity	Corporation	Citizenship	Delaware
Address	500 7TH AVENUE 8TH FLOOR NEW YORK, NY 10018 UNITED STATES		
Attorney information	BENJAMIN S. FERNANDEZ WILMER CUTLER PICKERING HALE AND DORR LLP 1225 SEVENTEENTH ST. SUITE 2600 DENVER, CO 80202 UNITED STATES Primary Email: whiptrademark@wilmerhale.com Secondary Email(s): barbara.barakat@wilmerhale.com, ben.fernandez@wilmerhale.com (720) 274 3163		
Docket Number	2214094.121		

Applicant Information

Application No.	90528599	Publication date	10/19/2021
Opposition Filing Date	11/16/2021	Opposition Period Ends	11/18/2021
Applicant	VonFrank, Andrew 17 SYDNEY RD. ALNA, ME 04535 UNITED STATES		

Goods/Services Affected by Opposition

Class 036. First Use: 2021/02/07 First Use In Commerce: 2021/02/07
All goods and services in the class are opposed, namely: Investment of funds

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
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Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	5092055	Application Date	04/28/2015
Registration Date	11/29/2016	Foreign Priority	NONE

		Date	
Word Mark	STASH		
Design Mark	<h1>Stash</h1>		
Description of Mark	NONE		
Goods/Services	Class 036. First use: First Use: 2015/09/05 First Use In Commerce: 2015/09/05 Financial advisory and consultancy services for consumers, provided digitally through a mobile application, namely, providing advice about investing in ETFs and equity securities; Financial investment brokerage services for consumers, provided digitally through a mobile application, namely, providing advice about investing in ETFs and equity securities		

U.S. Registration No.	5037405	Application Date	04/22/2015
Registration Date	09/06/2016	Foreign Priority Date	NONE

Word Mark	STASHINVEST		
Design Mark	<h1>StashInvest</h1>		
Description of Mark	NONE		
Goods/Services	Class 036. First use: First Use: 2015/09/05 First Use In Commerce: 2015/09/05 Financial advisory and consultancy services		

U.S. Registration No.	5590392	Application Date	04/04/2018
Registration Date	10/23/2018	Foreign Priority Date	NONE
Word Mark	STASHLEARN		

Design Mark	<h1>STASHLEARN</h1>		
Description of Mark	NONE		
Goods/Services	Class 036. First use: First Use: 2015/10/02 First Use In Commerce: 2015/10/02 Financial services, namely, providing financial information and financial news		

U.S. Registration No.	5245955	Application Date	12/22/2016
Registration Date	07/18/2017	Foreign Priority Date	NONE
Word Mark	STASH		
Design Mark	<h1>STASH</h1>		
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2015/00/00 First Use In Commerce: 2015/00/00 Computer application software for mobile phones, portable media players, hand-held computers and tablets, namely, software for providing financial advice and consulting and advice about investing in ETFs and equity securities		

U.S. Registration No.	6033543	Application Date	09/20/2019
Registration Date	04/14/2020	Foreign Priority Date	NONE
Word Mark	THE STASH WEEKLY		

Design Mark	<h1>THE STASH WEEKLY</h1>		
Description of Mark	NONE		
Goods/Services	Class 036. First use: First Use: 2019/06/05 First Use In Commerce: 2019/06/05 Financial services, namely, providing financial information and financial news		

U.S. Registration No.	6192815	Application Date	09/20/2019
Registration Date	11/10/2020	Foreign Priority Date	NONE
Word Mark	THE STASH WAY		
Design Mark	<h1>THE STASH WAY</h1>		
Description of Mark	NONE		
Goods/Services	Class 036. First use: First Use: 2018/10/01 First Use In Commerce: 2018/10/01 Financial services, namely, providing financial information and financial news		

Attachments	86612859#TMSN.png(bytes) 86606572#TMSN.png(bytes) 87862825#TMSN.png(bytes) 87278200#TMSN.png(bytes) 88625336#TMSN.png(bytes) 88625342#TMSN.png(bytes) Notice of Opposition 90528599.pdf(83134 bytes)
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Signature	/barbara a. barakat/
Name	Barbara A. Barakat
Date	11/16/2021

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

In the matter of Application Serial No. 90528599

Published in the Official Gazette at TM 4581 on October 19, 2021

Stash Financial, Inc.,)	
)	
Opposer)	
)	
v.)	Opposition No.
)	
Andrew VonFrank,)	
)	
Applicant)	

BOX TTAB/FEE
Commissioner for Trademarks
P.O. Box 1451
Alexandria, Virginia 22313-1451

NOTICE OF OPPOSITION

Stash Financial, Inc., a corporation organized and existing under the laws of Delaware, located and doing business at 500 7th Avenue, 8th Floor, New York, New York 10018 (hereinafter “Opposer”), believes that it will be damaged by the registration of the trademark “FRIENDSTASH” for “Investment of funds” as shown in Application Serial No. 90528599, filed February 14, 2021, by Andrew VonFrank (hereinafter “Applicant”), and hereby opposes the same.

As grounds for opposition, it is alleged that:

1. Applicant seeks registration of the mark “FRIENDSTASH” for use in connection with investment of funds (“Applicant’s Mark”), as evidenced by the publication of said trademark in the October 19, 2021 issue of the Official Gazette.

2. Opposer is now, and has been for some time, engaged in the field of providing software, downloadable computer programs and mobile applications for banking, saving, investing and learning, to create financial opportunity for all Americans. Opposer offers financial advice and consultancy services, provides advice about investing in general and advice regarding investing in ETFs and equity securities, provides banking services, including access to checking accounts and debit cards and provides financial brokerage accounts for consumers for investment, retirement and custodial purposes.

3. At least as early as 2015, Opposer began its mission to simplify investing and to provide financial opportunity to all. Opposer believes everyone should have the tools, guidance and confidence needed to grow personal wealth and live a better life. To accomplish that mission, Opposer provides access to investment advice and financial educational services, financial information and financial news services and access to banking services, including checking accounts and debit account services, including a debit card, and the technology to assist consumers to invest, with as little as \$5, for their retirement and life plans. In connection with those services, Opposer provides software that enables, processes, facilitates, validates and authenticates investment transactions for users, and enables the users to direct investments and monitor balances in their accounts. Opposer also allows parties to invest for others, with their custodial accounts used to invest for anyone under 18, whether or not the user is the parent or guardian of that person.

4. Opposer is the owner of the following United States Trademark Registrations:
No. 5245955 for the mark STASH, issued July 18, 2017 for computer application software for mobile phones, portable media players, handheld computers and tablets, namely,

software for providing financial advice and consulting and advice about investing in ETFs and equity securities;

No. 5092055 for the mark STASH, issued November 29, 2016, for financial advisory and consultancy services for consumers, provided digitally through a mobile application, namely, providing advice about investing in ETFs and equity securities; financial investment brokerage services for consumers, provided digitally through a mobile application, namely, providing advice about investing in ETFs and equity securities;

No. 5037405 for the mark STASH INVEST, issued September 6, 2016, for financial advisory and consultancy services; and

No. 5590392 for the mark STASHLEARN, issued October 23, 2018, for financial services, namely, providing financial information and financial news;

No. 6033543 for the mark THE STASH WEEKLY, issued April 14, 2020 for financial services, namely, providing financial information and financial news;

No. 6192815 for the mark THE STASH WAY, issued November 20, 2020 for financial services, namely, providing financial information and financial news, (hereinafter “Opposer’s Marks”).

5. Opposer’s Marks are symbolic of the extensive goodwill and recognition built up by Opposer through continuous use of said marks.

6. Opposer has expended substantial time, money and resources marketing, advertising, and promoting Opposer’s Marks and the goods and services provided under such marks, with the result that Opposer has millions of customers across all of the United States, and the purchasing public has come to know, rely upon, and recognize the goods and services of Opposer by such marks. Opposer has exceedingly valuable goodwill established in its marks.

7. Application Serial No. 90528599 for registration of the mark “FRIENDSTASH” was filed on February 14, 2021, based upon Applicant’s alleged use of this mark at least as early as February 7, 2021. Opposer registered its marks before the Applicant’s filing date and Opposer actually began using its mark STASH almost 6 years prior to the filing date of Applicant’s application. Thus, Opposer’s Marks have priority over Applicant’s Mark because Opposer’s use and registration dates predate the Applicant’s filing date or any other date on which the Applicant may rely for purposes of priority.

8. Opposer’s Marks “STASH,” “STASH INVEST,” “STASHLEARN,” “THE STASH WEEKLY” AND “THE STASH WAY” and Applicant’s Mark “FRIENDSTASH” are confusingly similar, as the same term STASH appears as a significant part of both Opposer’s Marks and Applicant’s Mark.

9. Applicant’s Mark is confusingly similar to Opposer’s Marks as they are similar in appearance, sound and commercial impression, particularly as Applicant’s Mark is used in the field of investing advice and services.

10. The goods and services which are identified in Opposer’s registrations for Opposer’s Marks are closely related to the services identified in the Applicant’s application to register “FRIENDSTASH,” and on information and belief, will be marketed through the same or similar channels of trade or to the same or similar class of consumers.

11. Opposer has been providing the services identified in Applicant’s application, “Investment of funds,” in connection with Opposer’s Mark long before Applicant filed its intent to use application on February 14, 2021 or allegedly began to provide his services on February 7, 2021.

12. By reason of Opposer's extensive use of Opposer's Marks, the public will believe that the Applicant's use of its mark "FRIENDSTASH" is sponsored, endorsed or approved by, or affiliated with Opposer and that the quality of the services bearing the Applicant's Mark has been approved and/or maintained by Opposer.

13. In view of these similarities, Applicant's use of the mark "FRIENDSTASH" is likely to cause confusion, mistake, or deception with respect to Opposer's Marks "STASH," "STASH INVEST," "STASHLEARN," "THE STASH WEEKLY" and "THE STASH WAY" and to damage the goodwill represented and symbolized by the Opposer's Marks.

14. Based on the foregoing, Applicant's registration of the mark "FRIENDSTASH" on the Principal Register of the United States Patent and Trademark Office would clearly cause injury and damage to the Opposer.

WHEREFORE, Opposer prays that this opposition be sustained and that registration of Applicant's Mark "FRIENDSTASH" as shown in Application Serial No. 90528599 be refused.

Respectfully submitted,

Stash Financial, Inc.

/barbara a. barakat/

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November 16, 2021