

ESTTA Tracking number: **ESTTA1234369**

Filing date: **09/07/2022**

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	First American Financial Corporation
Granted to date of previous extension	09/07/2022
Address	1 FIRST AMERICAN WAY SANTA ANA, CA 92707 UNITED STATES
Attorney information	ROSALEEN H. CHOU KNOBBE, MARTENS, OLSON & BEAR, LLP 2040 MAIN STREET, 14TH FLOOR IRVINE, CA 92614 UNITED STATES Primary email: efiling@knobbe.com 949-760-0404
Docket no.	FAF.308TIS

Applicant information

Application no.	90814702	Publication date	05/10/2022
Opposition filing date	09/07/2022	Opposition period ends	09/07/2022
Applicant	Repdigital Inc. 916 E 11TH AVE TAMPA, FL 33605 UNITED STATES		

Goods/services affected by opposition

Class 042. First Use: Jun 1, 2021 First Use In Commerce: Jun 1, 2021 All goods and services in the class are opposed, namely: Software as a service (SAAS) services featuring software for fraud prevention trust and safety and for risk management

Grounds for opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
Other	Common law rights asserted in the Notice of Opposition

Mark cited by opposer as basis for opposition

U.S. application/ registration no.	NONE	Application date	NONE
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Register	NONE
Registration date	NONE
Mark	TRUSTLINK
Goods/services	software, and suite of services focused on fraud protection management for consumers

Attachments	Notice of Opposition TRUSTLINK - FAF.308TIS.pdf(142146 bytes)
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Signature	/Katherine R. McMorrow/
Name	Katherine McMorrow
Date	09/07/2022

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

First American Financial Corporation,
Opposer,

v.

RepDigital Inc.,
Applicant.

Opposition No. _____

Serial No.: 90/814,702

Mark: TRUSTLINK

NOTICE OF OPPOSITION

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

Dear Sir or Madam:

Opposer, First American Financial Corporation (“First American”), a California corporation, having a principal place of business at 1 First American Way Santa Ana CALIFORNIA 92707, believes that it will be damaged by the registration of U.S. Trademark Serial No. 90/814,702 (the “Application”) for TRUSTLINK (“Applicant’s Mark”), filed on July 7, 2021, by RepDigital Inc. (“Applicant”), a Delaware corporation, with its address listed as 916 E 11th Ave. Tampa, Florida 33605, and hereby opposes the same.

Grounds for Opposition

The Application is described as follows:

Mark: TRUSTLINK

Services: Software as a service (SAAS) services featuring software for fraud prevention trust and safety and for risk management in Class 42

Basis: 1(a)

First Use Claimed: June 1, 2021
Filed: July 7, 2021

As grounds for opposition, it is alleged that:

1. First American is a leading provider of financial, title, trust, escrow, closing, and settlement services. Since at least as early as 2001, First American has been using its TRUSTLINK™ mark in connection with software and a suite of services focused on fraud protection management for consumers nationwide. *See* <http://trustlinkservices.com/>.

2. Thus, for many years prior to the filing date of the Application, First American has offered its software and services focused on fraud protection management under its well-known TRUSTLINK™ mark.

3. By virtue of First American's continuous and substantial use prior to the filing of the Application, the TRUSTLINK™ mark has become a well-known identifier such that consumers have come to recognize the TRUSTLINK™ mark with which First American markets and sells its software and services focused on fraud protection management. As a result, First American has built up, at great expense and effort, valuable goodwill and strong trademark rights in its TRUSTLINK™ mark.

4. First American has extensive common law rights in its TRUSTLINK™ mark throughout the United States in connection with its software and services focused on fraud protection management, and related goods and services. First American's common law rights in its TRUSTLINK™ mark also predate the filing date of the Application and alleged first use date of the Application. First American relies on its common law trademark rights in its TRUSTLINK™ mark, which are prior to and superior to those claimed in the Application.

5. Applicant seeks an unrestricted federal registration covering the services set forth in the Application. As such, if a registration issues for the Application, such registration will constitute prima facie evidence of the Applicant's exclusive right to use the registered mark in

commerce on or in connection with the listed services throughout the United States with no limitation thereon.

6. Applicant's Mark for TRUSTLINK is identical and thus confusingly similar to First American's well-known TRUSTLINK™ mark.

7. Additionally, Applicant's Application covers services that are identical or substantially similar to First American's services as both the Application and First American's services under the TRUSTLINK™ mark are software and related services for fraud prevention. Such services are also marketed to the exact same consumers and potential consumers in the same channels of trade.

8. As such, when TRUSTLINK is used on or in connection with software and services for fraud prevention as identified in Applicant's Application, it is likely to cause confusion, or to cause mistake or to deceive the trade and purchasing public into believing that Applicant's goods originate with First American or are otherwise authorized, licensed, or sponsored by First American, in view of First American's well-known TRUSTLINK™ mark within the meaning of Section 2(d) of the Trademark Act, 15 U.S.C. § 1052(d).

9. In view of First American's prior rights in its TRUSTLINK™, Applicant is not entitled to registration of the mark in Applicant's Application pursuant to Section 2(d) of the Trademark Act, 15 U.S.C. § 1052(d).

The required opposition fee is submitted herewith. Please charge any additional fees or credit overpayment to Deposit Account No. 11-1410.

WHEREFORE, First American requests that U.S. Trademark Application Serial No. 90/814,702 be refused registration, and that this opposition be sustained in favor of First American.

Respectfully submitted,
KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: September 7, 2022

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