ESTTA Tracking number: **ESTTA1234543**

Filing date: **09/08/2022**

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	Coast Acceptance Corporation		
Entity	Corporation	Citizenship	California
Address	1820 EAST 1ST STREET, SUITE 410 SANTA ANA, CA 92705 UNITED STATES		

Attorney information	DEBORAH A. GUBERNICK SNELL & WILMER L.L.P. 600 ANTON BLVD. SUITE 1400 COSTA MESA, CA 92626 UNITED STATES Primary email: ipocdocket@swlaw.com Secondary email(s): dgubernick@swlaw.com, gmorlock@swlaw.com 714-427-7000
Docket no.	79410.00005

Applicant information

Application no.	90732572	Publication date	08/16/2022
Opposition filing date	09/08/2022	Opposition period ends	09/15/2022
Applicant	K-Dimensional Holdings Inc. 100 CROSBY ST., SUITE 403 NEW YORK, NY 10012 UNITED STATES		

Goods/services affected by opposition

Class 036. First Use: None First Use In Commerce: None All goods and services in the class are opposed, namely: Financial services, namely, commercial charge card and payment card services, namely, issuance of charge cards and payment cards and providing a corresponding internet-based website portal in the field of payment processing, expense management, and tracking related to the use ofcommercial charge and payment cards; electronic payment services involving electronic processing of payments and subsequent transmission of payment data; payment administration services, namely, payment verification services; charge card and payment card authorization services; all of the foregoing for fleet and fuel payments and for owners and operators ofvehicle fleets
Class 042. First Use: None First Use In Commerce: None All goods and services in the class are opposed, namely: Software as a service (SAAS) featuring non-downloadable software for charge card and payment card transaction processing and management; providing temporary use of an online non-downloadable non-downloadable software application for controlling, monitoring and validating charge and payment card transactions and expense management; Application service provider, namely, hosting, managing, developing, analyzing, and

maintaining applications and software for processing transactions of charge cards and payment cards; all of the foregoing for fleet and fuel payments and for owners and operators of vehicle fleets

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.	5215975	Application date	02/20/2015
Register	Principal		
Registration date	06/06/2017	Foreign priority date	NONE
Word mark	COAST		
Design mark			
Description of mark	NONE		
Goods/services	Class 036. First use: First Use: May 31, 2002 First Use In Commerce: Aug 31, 2002 Arranging of loans; Financing loans forautomobiles		

U.S. registration no.	5568352	Application date	08/04/2017
Register	Principal		
Registration date	09/25/2018	Foreign priority date	NONE
Word mark	COAST AUTOMOTIVE FINANCE		
Design mark			
Description of mark	NONE		
Goods/services	Class 036. First use: First Use: May 1, 2002 First Use In Commerce: May 1, 2002 Arranging of loans; Financing loans forautomobiles		

U.S. registration no.	6764578	Application date	05/21/2021
Register	Principal		
Registration date	06/21/2022	Foreign priority date	NONE
Word mark	COAST ACCEPTANCE CORPORATION		
Design mark			

Description of mark	NONE
Goods/services	Class 036. First use: First Use: Oct 8, 2002 First Use In Commerce: Oct 8, 2002 Arranging of loans; Financing loans forautomobiles

U.S. registration no.	6719947	Application date	11/25/2020
Register	Principal		
Registration date	05/03/2022	Foreign priority date	NONE
Word mark	COAST FINANCE		
Design mark			
Description of mark	NONE		
Goods/services	Class 036. First use: First Use: Jan 31, 2022 First Use In Commerce: Jan 31, 2022 Arranging of loans; Financing loans forautomobiles		

Attachments	86541641#TMSN.png(bytes) 90343014#TMSN.png(bytes) 79410.00005 - Notice of Opposition re COAST_K Dimensional Holdings.pdf(764204 bytes)

Signature	/dag/
Name	Deborah A. Gubernick
Date	09/08/2022

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of: COAST ACCEPTANCE CORPORATION, a California corporation Opposer, v. K-DIMENSIONAL HOLDINGS INC., a Delaware corporation Applicant.	**NOTICE OF OPPOSITION** Opposition No.: _____ Application No.: 90/732,572 Mark: COAST Published: August 16, 2022

NOTICE OF OPPOSITION

Coast Acceptance Corporation ("Opposer"), a California corporation, having a principal place of business at 1820 East 1st Street, Suite 410, Santa Ana, California 92705, believes that it is being and will continue to be damaged by K-Dimensional Holdings Inc.'s ("Applicant") registration of the mark shown in U.S. Application No. 90/732,572 (the "Application"). Opposer hereby files this Notice of Opposition pursuant to Section 13 of the Trademark Act (15 U.S.C. § 1063).

As grounds for Opposition, Opposer alleges as follows:

1. Opposer is the owner of the following registered trademarks in the U.S. (the "Registrations"):

Mark	**Registration No.**	**First Use**	**Services**
COAST	5215975	August 31, 2002	Arranging of loans; Financing loans for automobiles in Class 36

Mark	Registration No.	First Use	Services
COAST AUTOMOTIVE FINANCE	5568352	May 1, 2002	Arranging of loans; Financing loans for automobiles in Class 36
COAST ACCEPTANCE CORPORATION	6764578	October 8, 2002	Arranging of loans; Financing loans for automobiles in Class 36
COAST FINANCE	6719947	January 31, 2022	Arranging of loans; Financing loans for automobiles in Class 36

2. Registration certificates for the foregoing Registrations are attached hereto as **Exhibit A** along with a current TESS website printout showing the status of each of the above Registrations as of today's date.

3. Opposer's Registrations are valid, unrevoked, and in full force and effect.

4. Through longstanding use, Opposer also owns common law rights in and to COAST, COAST ACCEPTANCE CORPORATION and COAST AUTOMOTIVE FINANCE.

5. Opposer offers its services online and in manners customary to the finance and banking trade, including but not limited to offering consumer lending and payment deposit systems to its customers online in the financial services industry.

6. By virtue of nationwide use of its marks as used in connection with its services, Opposer has earned a reputation for high quality and goodwill associated with the COAST Mark and the marks shown in the Registrations.

7. On May 25, 2021, long after Opposer's Registrations were in use for its services, Applicant applied to register the mark shown in the Application.

8. Applicant's Application covers the following (the "Application"):

Mark	Application No. / Filing Date	First Use / Filing Basis	Services
COAST	90/732,572 / May 25, 2021	(1b) Intent to Use	Financial services, namely, commercial charge card and payment card services, namely, issuance of charge cards and payment

Mark	Application No. / Filing Date	First Use / Filing Basis	Services
			cards and providing a corresponding internet-based website portal in the field of payment processing, expense management, and tracking related to the use of commercial charge and payment cards; electronic payment services involving electronic processing of payments and subsequent transmission of payment data; payment administration services, namely, payment verification services; charge card and payment card authorization services; all of the foregoing for fleet and fuel payments and for owners and operators of vehicle fleets in Class 36 Software as a service (SAAS) featuring non-downloadable software for charge card and payment card transaction processing and management; providing temporary use of an online non-downloadable non-downloadable software application for controlling, monitoring and validating charge and payment card transactions and expense management; Application service provider, namely, hosting, managing, developing, analyzing, and maintaining applications and software for processing transactions of charge cards and payment cards; all of the foregoing for fleet and fuel payments and for owners and operators of vehicle fleets in Class 42

9. The mark shown in the Application contains Opposer's identical registered term, COAST.

10. Notwithstanding Opposer's rights and priority in and to the marks shown in the Registrations, Applicant nevertheless filed its Application for a mark containing the identical term in the identical Class 36, for identical and/or highly overlapping services.

11. Opposer's Registrations pre-date Applicant's use and application filing dates, affording Opposer priority of rights.

12. On June 22, 2021, Opposer sent Applicant a cease and desist letter, demanding Applicant withdraw the Application and cease and forever desist any anticipated plans to use the

COAST mark. See **Exhibit B**.

13. Opposer sent Applicant a second cease and desist letter on September 30, 2021, reiterating the demands in the first cease and desist letter. See **Exhibit C**.

14. To date, Opposer has declined to cease use of the mark shown in the Application.

15. Based on the fact that Applicant's mark contains Opposer's registered COAST mark, in the same Class, and for overlapping services, and otherwise resembles the marks shown in the Registrations, the purchasing public may falsely associate Applicant's services with Opposer, or may erroneously believe the services offered under the marks shown in the Application are sponsored, licensed or otherwise endorsed and/or authorized by Opposer.

16. Opposer therefore believes it has been and will be damaged by the registration of the mark shown in the Application.

WHEREFORE, Opposer prays that Application No. 90/732,572 be denied registration and that this Opposition be granted in favor of Opposer.

Respectfully submitted,

By: Deborah A Gubernick

Dated: September 8, 2022

Deborah A. Gubernick
Attorney of Record for Opposer

SNELL & WILMER, LLP
600 Anton Blvd.
Suite 1400
Costa Mesa, CA 92626-7689
Tel.: (714) 427-7000
Fax: (714) 427-7799
dgubernick@swlaw.com

CERTIFICATE OF SERVICE/ELECTRONIC SERVICE

I hereby certify that a true and complete copy of the foregoing NOTICE OF OPPOSITION against Application Number 90/732,572 is being served on the Applicant's attorney of record via electronic mail to the correspondent email listed on the records of the United States Patent and Trademark Office:

Counsel for K-Dimensional Holdings Inc.
Perry Gattegno
Litwin Kach LLP
200 North Lasalle, Suite 1550
Chicago, Illinois 60606
Tel: (312) 971-4085
perry@litwinkach.com
info@litwinkach.com

Dated: September 8, 2022

By: Deborah A Gubernick
Deborah A. Gubernick
Attorney of Record for Opposer

SNELL & WILMER, LLP
600 Anton Blvd.
Suite 1400
Costa Mesa, CA 92626-7689
Tel.: (714) 427-7000
Fax: (714) 427-7799
dgubernick@swlaw.com

EXHIBIT A

United States of America
United States Patent and Trademark Office

COAST

Reg. No. 5,215,975

Registered Jun. 06, 2017

Int. Cl.: 36

Service Mark

Principal Register

Coast Acceptance Corporation (CALIFORNIA CORPORATION)
1300 Bristol Street North, Suite 260
Newport Beach, CA 92660

CLASS 36: Arranging of loans; Financing loans for automobiles

FIRST USE 5-31-2002; IN COMMERCE 8-31-2002

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT STYLE, SIZE OR COLOR

SER. NO. 86-541,641, FILED 02-20-2015
TARA LUISE BHUPATHI, EXAMINING ATTORNEY

Michelle K. Lee

Director of the United States
Patent and Trademark Office

United States of America

United States Patent and Trademark Office

Coast Automotive Finance

Reg. No. 5,568,352

Registered Sep. 25, 2018

Int. Cl.: 36

Service Mark

Principal Register

Coast Acceptance Corporation (CALIFORNIA CORPORATION)
1300 North Bristol Street, Suite 260
Newport Beach, CALIFORNIA 92660

CLASS 36: Arranging of loans; Financing loans for automobiles

FIRST USE 5-1-2002; IN COMMERCE 5-1-2002

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT STYLE, SIZE OR COLOR

No claim is made to the exclusive right to use the following apart from the mark as shown: "AUTOMOTIVE FINANCE"

SER. NO. 87-556,836, FILED 08-04-2017

Director of the United States
Patent and Trademark Office

United States of America
United States Patent and Trademark Office

COAST ACCEPTANCE CORPORATION

Reg. No. 6,764,578

Registered Jun. 21, 2022

Int. Cl.: 36

Service Mark

Principal Register

Coast Acceptance Corporation (CALIFORNIA CORPORATION)
1300 Bristol Street North, Suite 260
Newport Beach, CALIFORNIA 92660

CLASS 36: Arranging of loans; Financing loans for automobiles

FIRST USE 10-8-2002; IN COMMERCE 10-8-2002

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT STYLE, SIZE OR COLOR

OWNER OF U.S. REG. NO. 5215975, 5568352

No claim is made to the exclusive right to use the following apart from the mark as shown: "ACCEPTANCE CORPORATION"

SER. NO. 90-727,953, FILED 05-21-2021

Katherine Kelly Vidal

Director of the United States
Patent and Trademark Office

United States of America
United States Patent and Trademark Office

COAST FINANCE

Reg. No. 6,719,947

Registered May 03, 2022

Int. Cl.: 36

Service Mark

Principal Register

Coast Acceptance Corporation (CALIFORNIA CORPORATION)
1300 Bristol Street North, Suite 260
Newport Beach, CALIFORNIA 92660

CLASS 36: Arranging of loans; Financing loans for automobiles

FIRST USE 1-31-2022; IN COMMERCE 1-31-2022

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT STYLE, SIZE OR COLOR

OWNER OF U.S. REG. NO. 5215975, 5568352

No claim is made to the exclusive right to use the following apart from the mark as shown: "FINANCE"

SER. NO. 90-343,014, FILED 11-25-2020

Katherine Kelly Vidal

Director of the United States
Patent and Trademark Office

TESS was last updated on Thu Sep 8 03:17:24 EDT 2022

Record 1 out of 1

COAST

Word Mark	COAST
Goods and Services	IC 036. US 100 101 102. G & S: Arranging of loans; Financing loans for automobiles. FIRST USE: 20020531. FIRST USE IN COMMERCE: 20020831
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	86541641
Filing Date	February 20, 2015
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	March 21, 2017
Registration Number	**5215975**
Registration Date	June 6, 2017
Owner	(REGISTRANT) Coast Acceptance Corporation CORPORATION CALIFORNIA 1820 East 1st Street, Suite 410 Santa Ana CALIFORNIA 92705
Attorney of Record	Deborah A. Gubernick
Type of Mark	SERVICE MARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

TESS was last updated on Thu Sep 8 03:17:24 EDT 2022

Record 1 out of 1

Coast Automotive Finance

Word Mark	COAST AUTOMOTIVE FINANCE
Goods and Services	IC 036. US 100 101 102. G & S: Arranging of loans; Financing loans for automobiles. FIRST USE: 20020501. FIRST USE IN COMMERCE: 20020501
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	87556836
Filing Date	August 4, 2017
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	July 10, 2018
Registration Number	5568352
Registration Date	September 25, 2018
Owner	(REGISTRANT) Coast Acceptance Corporation CORPORATION CALIFORNIA 1820 East 1st Street, Suite 410 Santa Ana CALIFORNIA 92705
Attorney of Record	Deborah A. Gubernick
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "AUTOMOTIVE FINANCE" APART FROM THE MARK AS SHOWN
Type of Mark	SERVICE MARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

TESS was last updated on Thu Sep 8 03:17:24 EDT 2022

Record 1 out of 1

COAST ACCEPTANCE CORPORATION

Word Mark	COAST ACCEPTANCE CORPORATION
Goods and Services	IC 036. US 100 101 102. G & S: Arranging of loans; Financing loans for automobiles. FIRST USE: 20021008. FIRST USE IN COMMERCE: 20021008
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	90727953
Filing Date	May 21, 2021
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	April 5, 2022
Registration Number	**6764578**
Registration Date	June 21, 2022
Owner	(REGISTRANT) Coast Acceptance Corporation CORPORATION CALIFORNIA 1820 East 1st Street, Suite 410 Santa Ana CALIFORNIA 92705
Attorney of Record	Deborah A. Gubernick
Prior Registrations	5215975;5568352
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "ACCEPTANCE CORPORATION" APART FROM THE MARK AS SHOWN
Type of Mark	SERVICE MARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

TESS was last updated on Thu Sep 8 03:17:24 EDT 2022

Record 1 out of 1

COAST FINANCE

Word Mark	COAST FINANCE
Goods and Services	IC 036. US 100 101 102. G & S: Arranging of loans; Financing loans for automobiles. FIRST USE: 20220131. FIRST USE IN COMMERCE: 20220131
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	90343014
Filing Date	November 25, 2020
Current Basis	1A
Original Filing Basis	1B
Published for Opposition	June 22, 2021
Registration Number	**6719947**
Registration Date	May 3, 2022
Owner	(REGISTRANT) Coast Acceptance Corporation CORPORATION CALIFORNIA 1820 East 1st Street, Suite 410 Santa Ana CALIFORNIA 92705
Attorney of Record	Deborah A. Gubernick
Prior Registrations	5215975;5568352
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

EXHIBIT B

Snell & Wilmer
600 ANTON BLVD, SUITE 1400
COSTA MESA, CA 92626-7689
714.427.7000 P
714.427.7799 F

Deborah A. Gubernick
(714) 427-7077
dgubernick@swlaw.com

June 22, 2021

VIA EMAIL

URGENT ATTENTION REQUIRED

Perry Gattegno
Litwin Law, LLC
200 N. LaSalle, Suite 1550
Chicago, IL 60606
perry@litwinlawfirm.com
assistant@litwinlawfirm.com

Re: K-Dimensional Holdings Inc. – U.S. Trademark Application No. 90/732,572
Mark: COAST
Our Client: Coast Acceptance Corporation
Matter: 79410.00005

Dear Mr. Gattegno:

This firm represents Coast Acceptance Corporation ("Coast") in its intellectual property matters. Coast is the owner of trademark registrations for COAST® and COAST AUTOMOTIVE FINANCE® for loans and automobile financing. Coast has been using these marks in commerce for over fifteen years.

Indeed, Coast is an industry leader in providing motor vehicle sales finance and non-prime automobile loans, purchasing retail installment sales contracts from independent and franchised dealers who have non-prime consumers buying new and pre-owned automobiles. Coast enjoys a great deal of success due to the flexibility of the programs and rates offered, and its high level of customer care. Coast invested significant time, effort and expense in developing its solid reputation for quality and goodwill associated with its trademarks and the services offered under the COAST® and COAST AUTOMOTIVE FINANCE® brands.

It has recently come to our attention that your client, K-Dimensional Holdings Inc., applied to register the mark COAST, Serial Number 90/732,572 with the U.S. Patent and Trademark Office. Notably, this mark is not only identical to Coast's registered COAST® mark,

but is in the same class and for highly similar and/or identical services as my client. Accordingly, consumers may be confused by both companies using the mark COAST in the financing space.

We note your client's application was filed based on an intent-to-use the trademark. Accordingly, Coast requests that your client withdraw the application and cease and forever desist any anticipated plans to use of the mark COAST, or any confusingly similar mark. Coast is hopeful that this early notice to your client will allow your client to select a new mark with little interruption to its business plans. Please give me a call by June 30, 2021 to confirm your client's willingness to cooperate with this request.

Nothing herein constitutes a waiver of any rights or remedies, all of which are reserved. I can be reached by telephone at (714) 427-7000 and by email at dgubernick@swlaw.com. I look forward to your prompt reply.

Sincerely,

Snell & Wilmer L.L.P.

Deborah A. Gubernick

Deborah A. Gubernick

EXHIBIT C

Snell & Wilmer
600 ANTON BLVD, SUITE 1400
COSTA MESA, CA 92626-7689
714.427.7000 P
714.427.7799 F

Deborah A. Gubernick
(714) 427-7077
dgubernick@swlaw.com

September 30, 2021

VIA EMAIL – URGENT ATTENTION REQUIRED

Perry Gattegno
Litwin Law, LLC
200 N. LaSalle, Suite 1550
Chicago, IL 60606
perry@litwinlawfirm.com
assistant@litwinlawfirm.com

Re: K-Dimensional Holdings Inc. – U.S. Trademark Application No. 90/732,572
Mark: COAST
Our Client: Coast Acceptance Corporation
Matter: 79410.00005

Dear Mr. Gattegno:

I write to follow up on our June 22, 2021 letter, a copy of which is enclosed. While we received a response confirming receipt, we have yet to receive a substantive response on behalf of your client, K-Dimensional Holdings Inc.

In addition to sending you the attached, the United States Patent and Trademark Office has entered a Letter of Protest Memorandum in your client's file concerning Coast Acceptance Corporation's trademarks: COAST® (U.S. Registration No. 5215975), COAST AUTOMOTIVE FINANCE® (U.S. Registration No. 5568352), COAST FINANCE™ (U.S. Application Serial No. 90343014), and COAST ACCEPTANCE CORPORATION™ (U.S. Application Serial No. 90727953).

Again, your client's mark is not only identical to Coast's registered COAST® mark, but is in the same class and for highly similar and/or identical services as my client. Consumers are likely to be confused by both companies using the mark COAST in the financing space.

Accordingly, we renew our demand that your client withdraw the application and cease and forever desist any use of the mark COAST, or any confusingly similar mark for financial services.

Please respond by October 10, 2021 to confirm your client's willingness to cooperate with this request. Nothing herein constitutes a waiver of any rights or remedies, all of which are reserved. I can be reached by telephone at (714) 427-7000 and by email at dgubernick@swlaw.com. I look forward to your prompt reply.

Sincerely yours,

SNELL & WILMER L.L.P.

Deborah A. Gubernick