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Filing date: **11/13/2024**

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	XTRA Lease LLC
Granted to date of previous extension	11/13/2024
Address	7911 FORSYTH BLVD SUITE 600 ST. LOUIS, MO 63105 UNITED STATES

Correspondence information	JOSEF HOFFMANN SMALL PATENT LAW GROUP, LLC 1423 STRASSNER DR. SUITE 100 BRENTWOOD, MO 63144 UNITED STATES Primary email: jhoffmann@splglaw.com Secondary email(s): Docket@splglaw.com, jhoette@splglaw.com 5156896106
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Applicant information

Application no.	98087040	Publication date	07/16/2024
Opposition filing date	11/13/2024	Opposition period ends	11/13/2024
Applicant	Milestone Equipment Holdings, LLC 1520 SOUTH 5TH STREET, SUITE 270 ST. CHARLES, MO 63303 UNITED STATES		

Goods/services affected by opposition

Class 039. First Use: May 29, 2023 First Use In Commerce: May 29, 2023 All goods and services in the class are opposed, namely: Leasing and rental services in the field of transportation equipment; rental and leasing services in the field of trailers, chassis, intermodal shipping containers, and portable and mobile storage units; storage services, namely, storage of trailers, intermodal shipping containers, and portable and mobile units

Grounds for opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
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Mark cited by opposer as basis for opposition

U.S. application/ registration no.	NONE	Application date	NONE
Register	NONE		

Registration date	NONE
Mark	XTRA MILE
Goods/services	Leasing and rental services in the field of transportation equipment; rental and leasing services in the field of trailers, chassis, intermodal shipping containers, and portable and mobile storage units; storage services, namely, storage of trailers, intermodal shipping containers, and portable and mobile units.

Attachments	Notice of Opposition.pdf(388700 bytes)
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Signature	/Josef Hoffmann/
Name	JOSEF HOFFMANN
Date	11/13/2024

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

XTRA Lease, LLC

Opposer,

v.

Opposition No. TBD

Milestone Equipment Holdings, LLC

Application No.: 98/087,040

Applicant.

NOTICE OF OPPOSITION

Opposer XTRA Lease LLC (“Opposer” or “XTRA Lease”), which has its principal place of business at 7911 Forsyth Blvd Ste 600, St. Louis, MO 63105, believes that it will be harmed by registration of the mark EQUIPPED TO GO THE EXTRA MILE (“Applicant’s Mark”) as set forth in Application Serial No. 98/087,040 (the “Application”) due to likelihood of confusion between Applicant’s Mark and Opposer’s XTRA Mile trademark. Opposer hereby opposes registration of Applicant’s Mark on the following grounds:

1. XTRA Lease LLC was founded over 30 years ago and has become a leader in the vehicle leasing and automobile trailer rental industry. Opposer’s services have been sold under various XTRA based trademarks including XTRA Lease (U.S. Reg. No. 2,986,768), XTRA Care (U.S. Reg. No. 2,984,189), XTRA Access (U.S. Reg. No. 3,965,743), XTRA (U.S. Reg. No. 1,846,330), XTRA Xpress (U.S. Reg. No. 2,990,566), and XTRA Mile (common law) (collectively the “XTRA Trademarks”) in the US for over 30 years. Over the decades, the XTRA Trademarks have developed strong consumer recognition as a brand that symbolizes its premium quality, innovative

services. Accordingly, Opposer enjoys significant goodwill in the XTRA Trademarks brand for vehicle leasing and automobile trailer rental services.

2. Opposer has continuously and consistently sold Opposer's vehicle leasing and automobile trailer rental services using the common law trademark XTRA Mile for nearly twenty years. Accordingly, Opposer enjoys significant goodwill in the XTRA Mile trademark for vehicle leasing and automobile trailer rental services.

3. Due to the widespread and longstanding use and promotion of the XTRA Trademarks brand including the XTRA Mile trademark, as well as its strong reputation within the industry, Opposer has developed valuable goodwill and strong consumer recognition in the XTRA Trademarks brand and the XTRA Mile trademark for vehicle leasing and automobile trailer rental services.

4. On July 16, 2023, Applicant filed Application Serial No. 98/087,040 (the "Application") for the mark EQUIPPED TO GO THE EXTRA MILE, for leasing and rental services in the field of transportation equipment; rental and leasing services in the field of trailers, chassis, intermodal shipping containers, and portable and mobile storage units; storage services, namely, storage of trailers, intermodal shipping containers, and portable and mobile units in Class 39.

5. The Application was published for opposition on July 16, 2024, for use with "leasing and rental services in the field of transportation equipment; rental and leasing services in the field of trailers, chassis, intermodal shipping containers, and portable and mobile storage units; storage services, namely, storage of trailers, intermodal shipping containers, and portable and mobile units" in Class 39 (collectively, "Applicant's Services").

6. Applicant's Mark is highly similar to Opposer's XTRA Mile trademark in appearance, sound, and commercial impression.

7. Applicant's services include leasing and rental services in the field of transportation equipment; rental and leasing services in the field of trailers, chassis, intermodal shipping containers, and portable and mobile storage units; storage services, namely, storage of trailers, intermodal shipping containers, and portable and mobile units. Opposer has used its XTRA Trademarks and XTRA Mile trademark in association with leasing and rental services in the field of transportation equipment; rental and leasing services in the field of trailers, chassis, intermodal shipping containers, and portable and mobile storage units; storage services, namely, storage of trailers, intermodal shipping containers, and portable and mobile units continuously for many years before the filing date of the Application.

8. Applicant is a Missouri based company having an address of 1520 South 5th Street, Suite 270, St. Charles, MO, 63303, provides services in the same or similar geographic area and channels as Opposer and knows or should know of the Opposer's XTRA Trademarks and XTRA Mile trademark.

9. Opposer has been using the XTRA Trademarks and the XTRA Mile trademark with legally identical, overlapping, competitive, and related goods and services since prior to the filing date of the Application or any date upon which Applicant could rely for priority purposes.

10. Applicant's use and registration of Applicant's Mark with Applicant's Services is likely to cause consumers confusion and to mistakenly believe that Applicant's Services are licensed by, affiliated with, or otherwise associated with Opposer and Opposer's XTRA Mile trademark.

11. If Applicant's Mark was to register, it would give Applicant prima facie evidence of the exclusive right to use Applicant's Mark in association with Applicant's Service, despite Opposer's prior, and longstanding trademark rights in the XTRA Mile trademark for vehicle leasing and automobile trailer rental services. This would be a source of harm to Opposer.

THEREFORE, Opposer opposes registration of the Application and requests that the Application be refused registration.

By: /Josef L. Hoffmann/
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Dated: November 13, 2024