

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
IN RE: TRADEMARK APPLICATION FOR AVANTAX**

Applicant:	Blucora, Inc.	§	
		§	
Mark:	AVANTAX	§	
		§	Examining Attorney:
Serial No.:	88478796	§	Doritt Carroll
		§	
Filed:	June 18, 2019	§	

Applicant respectfully submits the following in response to the Examining Attorney’s Office Action dated September 10, 2019.

**I. RESPONSE TO SECTION 2(d) REFUSAL**

The Examining Attorney indicates that the application for AVANTAX (“Applicant’s Mark”) in Class 36 is refused based on a likelihood of confusion with Registration Nos. 3727769 and 2204822 for ADVANTAX (the “Registered Marks”). Applicant respectfully disagrees and responds as provided herein.

Likelihood of confusion means a probability of confusion; it is not sufficient if confusion is merely possible. *Estee Lauder Inc. v. The Gap Inc.*, 42 U.S.P.Q.2d 1228, 1232 (2d Cir. 1997). “The test . . . is not whether confusion is possible; nor is it whether confusion is probable among customers who are not knowledgeable. Rather, the test, correctly stated . . . is whether confusion is probable among numerous customers who are ordinarily prudent.” *Id.* at 1233-34. Importantly, “even close similarity between two marks is not dispositive of the issue of likelihood of confusion. Similarity in and of itself is not the acid test. Whether the similarity is likely to provoke confusion is the crucial question.” *McGregor-Doniger, Inc. v. Drizzle, Inc.* 599 F.2d 1126, 1133 (2d Cir. 1979).

*In re E.I. du Pont Nemours & Co.* sets forth thirteen factors that may be considered in determining whether consumer confusion is likely. 476 F.2d 1357 (C.C.P.A. 1973). Applicant

respectfully submits that an analysis of the relevant *du Pont* factors, as applied to the facts before the Examining Attorney, makes clear that a likelihood of confusion is highly unlikely for the following reasons:

- The Applicant's Mark differs from the Registered Marks in terms of spelling, pronunciation, meaning, commercial impression, and ultimately, overall impression;
- The services covered by the Registered Marks and the Applicant's Mark are different, as are the relevant prospective purchasers;
- The Registered Marks are part of a crowded field and should be afforded only a narrow scope of protection;
- The Registered Marks are not famous; and
- The relevant consumers are sophisticated.

**1. When Considered as a Whole, the Marks Make Very Different Overall Impressions.**

As the Examining Attorney stated, the proper test for determining whether a likelihood of consumer confusion exists is not a side-by-side comparison of the marks at issue. *Cai v. Diamond Hong, Inc.*, 127 USPQ2d 1797, 1801 (Fed. Cir. 2018). It is also improper to dissect or analyze the marks' constituent parts. *In re National Data Corp.*, 753 F.2d 1056, 1058 (Fed. Cir. 1985). Instead, the proper test is whether the marks at issue are sufficiently similar in terms of their overall impressions such that consumers who encounter the marks would be likely to assume a connection between the owners of the marks. *Cai v. Diamond Hong, Inc.*, 127 USPQ2d at 1801. The fundamental inquiry mandated by § 2(d) goes to the cumulative effect of differences in the marks and differences in the essential characteristics of the services. *Federated Foods, Inc. v. Fort Howard Paper Co.*, 192 USPQ 24, 29 (CCPA 1976). Stated another way, the central issue is whether the overall impressions created by the marks are sufficiently similar to result in a likelihood of consumer confusion. Based on these well-established tenets of trademark

law, the present case turns on whether the Registered Marks and the Applicant's Mark create sufficiently similar overall impressions such that consumers would mistakenly believe the marks originate from the same source.

The Examining Attorney's Section 2(d) refusal hinges on the conclusion that the Registered Marks and the Applicant's Mark create the same overall impression of a "tax advantage." With due respect, Applicant submits that the Registered Marks and the Applicant's Mark do not create the same or even similar impressions. While there is no doubt that the Registered Marks convey the impression of a tax advantage, the Applicant's Mark does not convey the impression of a tax advantage. On the contrary, the Applicant's Mark creates an entirely different impression. Specifically, the Applicant's Mark creates the impression of an *avant-garde* approach to wealth optimization. When the correct meaning and commercial impression are attributed to the Applicant's Mark, it is undeniably clear that the overall impression created by the Registered Marks and the overall impression created by the Applicant's Mark are sufficiently distinguishable to avoid a likelihood of confusion.

***a. The marks differ in spelling and pronunciation and these differences, contribute significantly to their distinct overall impressions.***

Applicant does not dispute the Examining Attorney's conclusion regarding the overall impression and meaning of the Registered Marks. Applicant agrees that it is reasonable to conclude that the Registered Marks create the impression of a "tax advantage." This conclusion is easily drawn from the spelling and pronunciation of the Registered Marks. The dominant portions of the Registered Marks mimic the spelling and pronunciation of the term "advantage." It is obvious from the spelling (i.e., ADVAN...) and pronunciation of the Registered Marks that the registrant intended for its marks to evoke thoughts of a tax advantage --- specifically, the customer gaining a tax advantage by using the registrant to handle its business's property taxes. The registrant's intent that the Registered Marks bring to mind a tax advantage is underscored by

the registrant's opposition of Serial No. 77321654 for ADVANTAGE TAX RESOLUTION in Opposition Proceeding No. 91191811, wherein the registrant states that the ADVANTAGE TAX portion of the mark claimed in Serial No. 77321654 is pronounced like, and has the same meaning as, the Registered Marks. *See Exhibit A.*

Applicant, however, respectfully submits that the Examining Attorney's conclusion regarding the impression created by Applicant's Mark is incorrect. Applicant does not intend to create, nor does Applicant's Mark create, the impression of a "tax advantage." To the contrary, Applicant chose an entirely different root word as the basis of its mark (i.e., the term "avant-garde"). This is evident from the fact that the dominant portion of Applicant's Mark is spelled and pronounced exactly like the dominant portion of the term "avant-garde" (i.e., AVANTAX v. avant-garde). The differences in the spelling and the pronunciation of the Applicant's Mark as compared to the pronunciation and spelling of the Registered Marks cannot be ignored. These differences must be taken into consideration as they contribute to the marks' meanings and commercial impressions, and therefore, the overall impressions created by the marks. *See e.g., Recot, Inc. v. M.C. Becton*, 54 U.S.P.Q.2d 1894, 1897 (Fed. Cir. 2000). In fact, it is well established that merely modifying, adding, or deleting a single letter can create a different commercial impression for prospective consumers. *McGregor-Doniger, Inc. v. Drizzle, Inc.* 599 F.2d 1126, 1133 (2d Cir. 1979) ("[C]ases involving the alteration, addition or elimination of only a single letter from the old mark to the new reach divergent results"); *see In re Paradyce Clothing Company, Inc.*, 2018 WL 5819343 (TTAB 2018) (no likelihood of confusion between PARADYCE and PAR-A-DICE, both used for clothing, because the marks' meanings and commercial impressions were sufficiently dissimilar) [*not precedential*]; *In re Manuel E. Tellez*, Serial No. 87229195 (November 3, 2017) (although the terms differ by only one letter, the term PRAY creates a different commercial impression than the term PREY which is sufficient to

avoid a likelihood of confusion) *[not precedential]*. Although the spelling of the Registered Marks and the spelling of the Applicant's Mark only differ by one letter, the impact of the one-letter difference in the parties' marks is amplified because it causes the marks to be rooted in entirely different words, with distinct pronunciations and vastly different meanings and commercial impressions. This one-letter difference is sufficient to avoid a likelihood of confusion since it causes the marks to convey significantly different commercial impressions. TMEP § 1207.01(b)(iii) ("Additions or deletions to marks may be sufficient to avoid a likelihood of confusion if: (1) the marks in their entireties convey significantly different commercial impressions....").

***b. The marks are rooted in different terms, and therefore, they have different meanings and commercial impressions that ultimately result in distinguishable overall impressions.***

Applicant's Mark and the Registered Marks create distinguishable overall impressions because they are rooted in different terms. As it relates to the Registered Marks, it is clear from a visual and aural perspective, as well as the registrant's own admissions, that the Registered Marks are based upon the term "advantage." The term "advantage" means "to give a benefit, gain or superior position." See Exhibit B. By combining the terms "advantage" and "tax", the registrant obviously intended for the Registered Marks to create the impression of gaining a beneficial tax position, or as the Examining Attorney concisely puts it, a "tax advantage." In the context of the registrant's tax preparation and tax consultation services, the Registered Marks make a pointed statement: the Registered Marks specifically convey the idea of gaining a tax advantage by using registrant to prepare and file tax returns (specifically, property taxes as noted in Section 2) with governmental authorities.

In contrast to the Registered Marks, the Applicant's Mark is not rooted in the term "advantage." Rather, the Applicant's Mark is based upon the term "avant-garde." As a result,

the Applicant's Mark impresses the meaning of the term "avant-garde" upon the minds of consumers and will be marketed to play upon the meaning of "avant-garde." The meaning of the term "avant-garde" relates to "an intelligentsia that develops new or experimental concepts especially in the arts." See Exhibit C. Synonyms for the term "avant-garde" include "cutting edge," "state-of-the-art," and "advanced." See Exhibit C. Accordingly, the Applicant's Mark creates the unique and distinguishable impression of an *avant-garde* or state-of-the-art approach to wealth optimization, which involves cutting-edge investment strategies that take into account, among other factors, an investor's taxable income and tax bracket.

The different meanings attributed to the Registered Marks and the Applicant's Mark by their respective root words cause the marks to have different overall impressions, which eliminates any likelihood of consumer confusion. For instance, the Applicant's Mark invokes the impression of Applicant's forward-thinking wealth optimization and investment services, whereas the Registered Marks invoke the impression that by using registrant's services, the consumer will be gaining a tax advantage in the preparation and filing of his or her tax return with governmental authorities. The Applicant's Mark speaks to the way Applicant approaches its services (i.e., Applicant offers innovative ways to optimize wealth through tax-sensitive investment opportunities), while the Registered Marks focus on the purpose or end result of the registrant's services (i.e., obtaining a tax advantage in their tax filings). The Applicant's Mark creates a more modern overall impression, and in contrast, the Registered Marks create a more traditional overall impression. The "tax advantage" commercial impression given by the Registered Marks will make a very strong impression on consumers in the context of the registrant's tax preparation and tax consultation services. This is especially true given that consumers seeking tax consultation and tax preparation services are particularly interested in tax advantages when making tax filings with governmental authorities. Likewise, the "avant-garde"

impression created by the Applicant's Mark will create a very strong impression on consumers in the context of Applicant's wealth optimization services. Consumers seeking Applicant's services will appreciate Applicant's advanced approach to maximizing their wealth through various tax-sensitive investment strategies. For these reasons, Applicant respectfully submits that the different overall impressions created by the Registered Marks and the Applicant's Mark eliminate any likelihood that consumers will mistakenly believe the marks originate from the same source.

*c. The Marks are rooted in terms consumers will immediately recognize and understand.*

Importantly, the terms "advantage" and "avant-garde" are commonly used by consumers in the United States and consumers are familiar with their different spellings and pronunciations, as well as their different meanings and commercial impressions. As a result, consumers will readily recognize the Registered Marks as being rooted in, and conveying an overall impression tied to, the term "advantage." Likewise, consumers will readily recognize Applicant's Mark as being rooted in, and conveying an overall impression tied to, the term "avant-garde."

In conclusion, Applicant contends that, upon consideration of the overall differences in the marks' appearances, sounds, meanings, and commercial impressions, the Registered Marks and the Applicant's Mark do **not** create the same overall impression, and therefore, no likelihood of confusion exists.

**2. The Parties' Respective Services Do Not Overlap and Can Be Distinguished.**

The Examining Attorney argues that both parties' services include tax planning and tax preparation services. Upon careful inspection, however, Applicant's description of services makes clear that Applicant's application claims tax planning and tax optimization services, but not tax preparation or tax consultation services. Furthermore, Applicant's application only includes tax planning and tax optimization services as part of Applicant's broader offering of

wealth optimization services, and this fact is clarified even more in light of the revisions to the Applicant's services descriptions addressed later herein. A close review of the registrant's services makes clear that the Registered Marks are registered for tax preparation and tax consultation services, but not wealth management focused services that take into account a person's tax situation as one factor.

Real world explanations of the parties' services highlight how different their services really are. The tax preparation service cited for the Registered Marks is the process of accurately completing a tax return. *See Exhibit D.* The tax planning and tax optimization services claimed in Applicant's application do not include completing tax returns. The tax consultancy service cited for the Registered Marks involves providing advice to tax filers. *See Exhibit D.* The tax planning and tax optimization services originally claimed in Applicant's application were not intended to include providing advice for the purpose of making tax filings to governmental authorities. We believe the clarified services descriptions set forth II below make it clear that the services in Applicant's application are focused on investment strategies and wealth optimization, not preparation of, or advice concerning, tax filings.

More specifically, the registrant uses its marks solely in connection with tax consulting services and tax preparation services pertaining to property tax compliance. *See Exhibit E.* Importantly, the registrant offers these services to businesses, not individual consumers. On the other hand, Applicant's Mark is intended for use in the overall context of wealth management and wealth optimization services. In particular, Applicant intends to offer wealth management and wealth optimization services that involve tax-sensitive investment strategies. The focus of Applicant's suite of services is wealth management and wealth optimization, not tax filing and certainly not property tax compliance. Furthermore, tax-sensitive wealth optimization services are offered to financial advisors and their individual clients, not businesses.



In short, the registrant's services and Applicant's services serve different purposes and are marketed to different consumer groups (i.e., financial advisors/individuals v. businesses). As a result, the parties' services do not overlap in such a way so as to lead to a likelihood of confusion amongst consumers. If, however, the Examining Attorney continues to question whether the parties' services are sufficiently different, then Applicant requests that the Examining Attorney reevaluate her conclusion using the Applicant's revised description of services in Class 36, which clarifies Applicant's services are related to wealth optimization strategies of which tax information is only one factor considered. Because "tax planning" and "tax optimization" were the only two services alleged by the Examining Attorney to contribute to the possibility of consumer confusion, Applicant respectfully submits that its deletion of "tax planning" and clarification of the "tax optimization" services obviates the Examining Attorney's argument that a likelihood of confusion exists between Applicant's Mark and the Registered Marks.

**3. The Registered Marks are Part of a Crowded Field and Entitled to Only a Narrow Scope of Protection.**

The strength of a mark lies in its tendency to identify the services sold under the mark as emanating from a particular source. *Cadbury Beverages, Inc. v. Cott Corporation*, 73 F.3d 474 (2d Cir. 1996). "The more likely a mark is to be remembered and associated in the public mind with the mark's owner, the greater protection the mark is accorded by trademark law." *GoTo.com, Inc. v. Walt Disney Co.*, 202 F.3d 1199, 1207 (9th Cir.2000). The opposite is also true. "A mark which is hemmed in on all sides by similar marks on similar goods cannot be very distinctive. It is merely one of a crowd of marks." *Moose Creek, Inc. v. Abercrombie & Fitch Co.*, 331 F. Supp. 2d 1214 (C.D. Cal. 2004), citing *Miss World (UK) Ltd. v. Mrs. America Pageants, Inc.*, 856 F.2d 1445, 1449 (9th Cir.1988). Marks that belong to a crowded field are considered weak and only accorded a narrow scope of protection because consumers will not

likely be confused between any two of the crowd and consumers have likely learned to carefully pick out one from the other. *Id.* Consequently, “[c]ompetitors may come closer to [the] mark than would be the case with a strong mark without violating [the owner’s] rights.” *Kenner Parker Toys, Inc. v. Rose Art Indus., Inc.*, 963 F.2d 350, 353 (Fed. Cir. 1992).

As the Examining Attorney points out, the Registered Marks create the commercial impression of a “tax advantage.” The Registered Marks currently coexist with other registered marks and common law marks that create the overall impression of a “tax advantage” just like the Registered Marks. What is more, these third-party marks are used for tax preparation, tax consultation services, accounting and business consulting services like the Registered Marks. For instance, the following trademarks are registered on the Principal Register and used by third parties for tax and business-related services in class 35:

<u>Registered Mark</u>	<u>Registration No.</u>	<u>Class/Services</u>	<u>Owner</u>
ADVANTAGE	2421519	<b>IC 35:</b> Personalized payroll and tax preparation services; rendering technical advice and assistance to others in the establishment and operation of businesses providing personalized payroll and tax preparation services	Advantage Payroll Services, Inc.
REFUND ADVANTAGE  “Refund” Disclaimed.	4474725	<b>IC 35:</b> Income tax refund services, namely, banking services related to income tax refunds	Fort Knox Financial Services Corporation
FIRST ADVANTAGE	3616029	<b>IC 35:</b> Business consultation and information services; tax and taxation planning advice, information, and consultation services	STG-Fairway US, LLC

H&R BLOCK ADVANTAGE	2939961	<b>IC 35:</b> Tax Advice and Planning services	HRB INNOVATIONS, INC.
OASIS TAX ADVANTAGE	4080631	<b>IC 35:</b> Tax consultation	Oasis Outsourcing Holdings, Inc.

The following trademarks are used by third parties for tax and business-related services, and these marks create the exact same commercial impression as the Registered Marks.

<b>Common Law “Advantage” Marks</b>	<b>Services</b>	<b>State</b>
Advantage Tax & Financial Services	Tax preparation and planning	Michigan
Advantage Tax Service	Tax preparation and consulting services	Maryland
Advantage Tax Services, Inc.	Tax debt resolution	Georgia
Advantage Tax Service	Tax preparation and planning	California
Advantage Tax	Tax preparation	South Carolina
Advantage Tax Group	Tax accounting	Ohio and Arizona
Advantage Income Tax & Business Services	Tax preparation	Nevada
A-Advantage Tax & Financial Services	Tax preparation	Arizona

See Exhibit F for true and correct copies of the TESS summaries corresponding to the registrations summarized in the chart above and for true and correct copies of internet uses related to the common law uses summarized in the charts above.

The above-referenced third-party registrations and common law uses establish that the consuming public is exposed to a multitude of marks that are legally equivalent to the Registered Marks in terms of overall impression in the fields of tax and business. In such a crowd, consumers will not likely be confused by the concurrent use of the Registered Marks and Applicant's Mark since they have no doubt already learned to carefully distinguish the prior marks from another. *Miss World (UK), Ltd. v. Mrs. America Pageants, Inc.*, 856 F.2d 1445, 1449 (9th Cir. 1988); *In re J.C. Penny Co.*, 179 U.S.P.Q. 184 (T.T.A.B. 1973) (the registration of multiple similar marks for goods in the same class indicates the marks can co-exist with little, if any, confusion). If these third-party registered and common law marks can coexist with the Registered Marks, there is no doubt Applicant's Mark can also coexist on the federal register with the Registered Marks, especially since there are marked differences in the overall impressions created by the Registered Marks and Applicant's Mark and in the registrant's services and the services described in Applicant's application.

Furthermore, the strength of marks conveying the idea of a "tax advantage" as indicators of source in the tax preparation and tax consulting industry has been watered down by the introduction of numerous uses of marks conveying this same impression in commerce. See *In re Broadway Chicken, Inc.*, 38 U.S.P.Q.2d 1559, 1565-66 (T.T.A.B. 1996). The Registered Marks should, therefore, be considered weak and afforded only a narrow scope of protection. *Palm Bay Imports, Inc. v. Veuve Clicquot Ponsardin Maison Fondée en*, 73 U.S.P.Q.2d 1689, 1693 (Fed. Cir. 2005) (When the common element of allegedly conflicting marks is weak, the mark is only entitled to a narrow scope of protection.).

**4. The Registered Marks are not Famous.**

Applicant submits that the Registered Marks are not famous. The Registered Marks have not achieved the high standard of “extensive public recognition and renown” necessary to consider them famous and deserving of a broad scope of protection. *In re DuPont de Nemours & Co.*, 476 F.2d 1357 (C.C.P.A. 1973); *Kenner Parker Toys, Inc. v. Rose Art Indus., Inc.*, 963 F.2d 350, 353 (Fed. Cir. 1992). As a result of the Registered Marks not being famous and given that they are members of an already saturated field, the scope of protection offered to the Registered Marks should be narrow in scope, and the Registered Marks should not be cited against Applicant’s Mark as barriers to registration.

**5. The Relevant Consumers are Sophisticated Purchasers.**

Applicant also respectfully submits that the relevant consumers can be expected to exercise great care and diligence in engaging the registrant’s services and in engaging Applicant’s services. The registrant’s services are intended for businesses, and due to the nature of registrant’s services, it is reasonable to conclude that its services are procured by sophisticated purchasers like finance departments and chief financial officers. J. THOMAS MCCARTHY, MCCARTHY ON TRADEMARKS AND UNFAIR COMPETITION § 23:101 (4th ed.) (“[W]here the relevant buyer class is composed of professionals or commercial buyers familiar with the field, they are sophisticated enough not to be confused by trademarks that are closely similar.”). Applicant intends to offer wealth optimization services under the Applicant’s Mark, and because of what is at stake (i.e., an individual’s financial security and the accumulation of wealth), the relevant consumers can be expected to exercise a great deal of care and consideration in researching and choosing Applicant’s services. Neither party’s services can be considered the type of “impulse” buys that may give rise to consumer confusion.

In *Dynamic Research Corp. v. Langenau Mfg. Co.*, the sophistication of the parties was outcome determinative. Both parties used the same trademark for goods marketed in the metal fabrication industry. The court affirmed the Board's finding of no likelihood of confusion primarily because the applicant sold its goods to sophisticated customers. Thus, although the marks were identical and the goods were sold in the same industry, the court held the following:

[I]n those instances where the same customers might be exposed to both applicant's and opposer's goods sold under the identical mark, there would not be any likelihood of confusion as to the source of the goods in view of the nature of the goods involved and the nature of the purchasers who would be responsible for the acquisition of the products. 704 F.2d 1575, 1576 (Fed. Cir. 1983).

The same is true here, but with even more distinctions between the marks and the services. Because the relevant customers will exercise a higher-than-normal degree of care and reservation in purchasing the parties' services, there is no likelihood that consumers will overlook the different overall impressions made by each parties' marks. Furthermore, any business seeking a property tax firm to prepare and submit a tax filing to a governmental entity is not going to be confused into obtaining personal investing advice or working with a financial advisor to achieve personal financial goals, or vice-versa. As a result, there is no likelihood of confusion between the Applicant's Mark and the Registered Marks.

## **II. IDENTIFICATION OF GOODS AND SERVICES**

The Examining Attorney indicated that some of the services descriptions were indefinite and required clarification. Applicant agrees to clarify the descriptions as set forth below.

**CLASS 9.** The description for Class 9 was acceptable as proposed.

**CLASS 16.** The description for Class 16 was acceptable as proposed.

**CLASS 35.** Applicant submitted the following description of services for Class 35:

IC 035. G & S: Providing online information for financial services professionals, namely, commission statements, quarterly reports, and client account information and invoices; Providing a website that provides financial transaction data, financial account management tools, financial reports, and financial records management data.

Pursuant to the Examining Attorney's request, Applicant submits the following revised description:

IC 035. G & S: Providing online **business and accounting** information for financial services professionals, namely, commission statements, quarterly reports, and client account information and invoices; **Offering a website that provides financial services professionals with business and account management data and reports to support their practices.**

**CLASS 36.** Applicant submitted the following description for Class 36:

IC 036. G & S: Providing information, advisory, consultancy, and research services to financial services professionals relating to the fields of financial management, tax planning, and investing; Investment account management services, namely, providing customizable brokerage accounts consisting of mutual funds and individual securities; Fund management services for high-net-worth portfolios; Financial portfolio management; Financial investment brokerage; Securities and commodities brokerage; Insurance brokerage; Financial administration of retirement plans; Providing financial and investment portfolio review and analysis; Financial services, namely, assisting others with the completion of financial transactions for stocks, bonds, securities and equities; Financial planning services, namely, providing information and advice in the fields of retirement planning, estate planning, investment portfolio management, and tax optimization strategies; Providing financial services forms and research services, namely, providing a website for financial services professionals to generate customizable forms for financial and estate planning and to access data and resources related to financial planning.

Pursuant to the Examining Attorney's request, Applicant submits the following revised description:

IC 036. G & S: Providing information, advisory, consultancy, and research services to financial services professionals ~~relating to~~ **in** the fields of financial management ~~tax planning,~~ and **financial investment advisory services**; Investment account management services, namely, providing customizable brokerage accounts consisting of mutual funds and individual securities; ~~Fund management services for high net worth portfolios~~ **Financial management services, namely, investment management services offered to high net worth individuals**; Financial portfolio management; Financial investment brokerage; Securities and commodities brokerage;

Insurance brokerage; Financial administration of retirement plans; Providing financial and investment portfolio review and analysis; Financial services, namely, assisting others with the completion of financial transactions for stocks, bonds, securities and equities; Financial planning services, namely, providing information and advice in the fields of retirement planning, estate planning, investment portfolio management, and wealth optimization by analyzing an individual's investments in relation to his or her taxable income and tax bracket ~~tax optimization strategies~~; Providing financial services forms and research services, namely, providing a website for financial services professionals to generate customizable forms for financial and estate planning and to access data and resources related to financial planning.

**CLASS 41.** Applicant submitted the following description for Class 41:

IC 041. US 100 101 107. G & S: Educational services, namely, providing seminars, classes, workshops, and continuing education courses in the fields of financial planning, investing, insurance, financial portfolio management, estate planning, professional money management, financial investment brokerage, business management, business development, marketing, sales methods, leadership, customer relationship management, and technology to support financial services professionals; Professional coaching programs, namely, conducting workshops concerning investment portfolio management for financial and investment advisors; Providing online financial and business publications.

Pursuant to the Examining Attorney's request, Applicant submits the revised description:

IC 041. US 100 101 107. G & S: Educational services, namely, providing seminars, classes, workshops, and continuing education courses in the fields of financial planning, investing, insurance, financial portfolio management, estate planning, professional money management, financial investment brokerage, business management, business development, marketing, sales methods, leadership, customer relationship management, and technology to support financial services professionals; Professional coaching programs, namely, conducting workshops concerning investment portfolio management for financial and investment advisors; **Providing online articles, reports, and white papers in the fields of financial advising and investing.**

**CLASS 42.** Applicant submitted the following description for Class 42:

IC 042. US 100 101. G & S: Providing online non-downloadable software to financial services professionals for the creation and presentation of assessment reports and financial plans; Providing online non-downloadable software for the preparation of legal documents, namely, wills and estate planning documents; Providing a website featuring online non-downloadable software in the financial planning field, namely, software as a service (SAAS) for use by financial services professionals to design, assess, manage, and report financial plans, conduct financial and investment



transactions, and assess and manage financial portfolios and investments; Computer services, namely, providing online network-based indexes of information, sites, and other resources related to financial services; Help desk support services provided online and via telephone to assist with financial services.

Applicant submits the following revised description pursuant to the Examining Attorney's comments:

IC 042. US 100 101. G & S: Providing online non-downloadable software to financial services professionals for the creation and presentation of assessment reports and financial plans; Providing online non-downloadable software for the preparation of legal documents, namely, wills and estate planning documents; Providing a website featuring online non-downloadable software in the financial planning field, namely, software as a service (SAAS) **featuring software** for use by financial services professionals to design, assess, manage, and report financial plans, conduct financial and investment transactions, and assess and manage financial portfolios and investments; Computer services, namely, ~~providing~~ **creating** online network-based indexes of information, sites, and other resources related to financial services; **Computer technology support services, namely, help desk support services.**

### **III. CONCLUSION**

For the reasons stated above, Applicant submits that there are significant and obvious differences between the Applicant's Mark and the Registered Marks that are more than capable of preventing consumer confusion. It is not probable that an ordinarily prudent consumer will believe that there is any affiliation or connection between the source of the services associated with the Applicant's Mark and the source of the services associated with the Registered Marks. Applicant respectfully submits that, based on the foregoing, there is no likelihood of confusion under Trademark Act § 2(d) to justify refusal of Applicant's Mark. Applicant submits that the present application is now in condition for publication, which action is respectfully requested. If anything further should be required, a telephone call to the Applicant's attorney would be greatly appreciated to expedite this application.

# Exhibit A

Trademark Trial and Appeal Board Electronic Filing System. <http://estta.uspto.gov>

ESTTA Tracking number: **ESTTA304614**

Filing date: **09/04/2009**

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	Advantax Group, LLC		
Entity	LLC	Citizenship	Illinois
Address	200 W. River Road St. Charles, IL 60174 UNITED STATES		
Attorney information	Brent E. Ohlmann Law Office of Brent E. Ohlmann, P.C. 1730 Park Street Suite 210 Naperville, IL 60563 UNITED STATES brent@brentohlmann.com Phone: 630.355.8008		

### Applicant Information

Application No	77321654	Publication date	08/18/2009
Opposition Filing Date	09/04/2009	Opposition Period Ends	09/17/2009
Applicant	Advantage Tax Resolution 26376 Ruether Ave. Santa Clarita, CA 91350 UNITED STATES		

### Goods/Services Affected by Opposition


Class 035. First Use: 2006/03/01 First Use In Commerce: 2006/03/13 All goods and services in the class are opposed, namely: Income tax consultation; Income tax preparation; Tax advisory services; Tax and taxation planning, advice, information and consultancy services; Tax consultation; Tax filing services; Tax lien management services; Tax preparation
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### 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.	2204822	Application Date	10/17/1998
Registration Date	11/24/1998	Foreign Priority Date	NONE
Word Mark	ADVANTAX		

Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 1994/03/01 First Use In Commerce: 1994/03/01 tax services, namely, tax consultation and tax preparation; accounting services; consultation in the field of business management and acquisitions		

U.S. Application No.	77722707	Application Date	04/27/2009
Registration Date	NONE	Foreign Priority Date	NONE

Word Mark	ADVANTAX
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Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 1994/03/01 First Use In Commerce: 1994/03/01 Accounting services; Business management consulting; Tax consultation; Tax preparation		

Attachments	75183221#TMSN.gif ( 1 page )( bytes ) 77722707#TMSN.jpeg ( 1 page )( bytes ) Advantax Notice of Opposition.pdf ( 8 pages )(178373 bytes )
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### Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/beo/
Name	Brent E. Ohlmann

Date	09/04/2009
------	------------

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

Advantax Group, LLC,

Opposer,

v.

Advantage Tax Resolution, Inc.,

Applicant.

Serial No. 77/321.654

Published: August 18, 2009

NOTICE OF OPPOSITION

Advantax Group, LLC, a limited liability company formed in Illinois, located at 200 W. River Road, St. Charles, Illinois 60174, hereby opposes the application of Advantage Tax Resolution, Inc., Serial No. 77/321.654 filed November 5, 2007 to register ADVANTAGE TAX RESOLUTION in connection with “income tax consultation; income tax preparation; tax advisory services; tax and taxation planning, advice, information and consultancy services; tax consultation; tax filing services; tax lien management services; [and] tax preparation,” published in the Official Gazette on August 18, 2009.

Opposer states the following grounds in support of its opposition:

1. Opposer is the owner of ADVANTAX (Reg. No. 2,204,822) for “tax services, namely, tax consultation and tax preparation; accounting services; consultation in the field of business management and acquisitions” in Class 35. The TARR database entry and Assignment Abstract for the mark are attached as Exhibit A pursuant to Rule 2.122(d)(1).

2. Opposer is the owner of ADVANTAX (Serial No. 77/722.707) for “accounting services; business management consulting; tax consultations and tax preparation” in Class 35. Opposer received a Notice of Pseudo Mark from the Trademark Office assigning the pseudo

mark ADVANTAGE TAX to this application. The TARR database entry and Assignment Abstract for this published application is attached as Exhibit B pursuant to Rule 2.122(d)(1).

3. Opposer and its predecessor in title have continuously used ADVANTAX since 1994 both in the stylized form as well as without specific font, style or format. Opposer has developed and continues to develop substantial good will in connection with ADVANTAX as a result of offering its services throughout the United States.

4. There is no issue as to priority. The Applicant's date of first use is subsequent to the issuance of Opposer's registration number 2,204,822 for ADVANTAX.

5. Applicant's services substantially overlap with the Opposer's services.

6. The dominant portion of the mark it proposes to register is ADVANTAGE TAX which differs from ADVANTAX by only two letters, and is pronounced, appears and has a connotation that is deceptively similar to the Opposer's mark.

7. Consumers seeing Applicant's mark are likely to be confused into believing that its services originate from or are affiliated with Opposer.


8. Opposer will be damaged by the registration of Applicant's mark as a result of the likelihood of confusion between the marks.

WHEREFORE, Registrant prays the registration of Applicant's mark be refused.

Dated: September 4, 2009

Respectfully submitted,

By:

  
Brent E. Ohlmann, Attorney for Opposer  
Law Office of Brent E. Ohlmann, P.C.  
1730 Park Street, Suite 210  
Naperville, Illinois 60563  
630.355.8008 tel  
815.301.9202 fax  
brent@brentohlmann.com

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Notice of Opposition has been served September 4, 2009, by depositing the same in the U.S. mail, first class postage prepaid and properly addressed to the Applicant and its attorney being:

William Neal  
Advantage Tax Resolution, Inc.  
26376 Ruether Avenue  
Canyon Country, CA 91350

Francisco S. Nogales  
Law Offices of Francisco S. Nogales  
26614 Gavilan Drive  
Saugus, CA 91350



---

Brent E. Ohlmann, Attorney for Opposer  
Law Office of Brent E. Ohlmann, P.C.  
1730 Park Street, Suite 210  
Naperville, Illinois 60563  
630.355.8008 tel  
815.301.9202 fax  
brent@brentohlmann.com



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<b>Word Mark</b>	ADVANTAX
<b>Goods and Services</b>	IC 035. US 100 101 102. G & S: tax services, namely, tax consultation and tax preparation; accounting services; consultation in the field of business management and acquisitions. FIRST USE: 19940301. FIRST USE IN COMMERCE: 19940301
<b>Mark Drawing Code</b>	(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM
<b>Serial Number</b>	75183221
<b>Filing Date</b>	October 17, 1996
<b>Current Filing Basis</b>	1A
<b>Original Filing Basis</b>	1A
<b>Published for Opposition</b>	August 5, 1997
<b>Registration Number</b>	2204822
<b>Registration Date</b>	November 24, 1998
<b>Owner</b>	(REGISTRANT) Advantax Management Corporation CORPORATION ILLINOIS 330 S. Naperville Road Wheaton ILLINOIS 60187  (LAST LISTED OWNER) ADVANTAX GROUP, LLC LTD LIAB CO ILLINOIS 200 W. RIVER ROAD ST. CHARLES ILLINOIS 60174
<b>Assignment Recorded</b>	ASSIGNMENT RECORDED
<b>Attorney of Record</b>	Brent E. Ohlmann
<b>Type of Mark Register</b>	SERVICE MARK PRINCIPAL
<b>Affidavit Text</b>	SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20080523.

<http://tess2.uspto.gov/bin/showfield?f=doc&state=4003:hq7n90.3.1>

**Exhibit A**

Renewal 1ST RENEWAL 20080523  
Live/Dead Indicator LIVE

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Assignments on the Web > Trademark Query

Trademark Assignment Abstract of Title

Total Assignments: 1

Serial #: 75183221 Filing Dt: 10/17/1996 Reg #: 2204822 Reg. Dt: 11/24/1998
Registrant: Advantax Management Corporation
Mark: ADVANTAX

Assignment: 1

Reel/Frame: 2691/0033 Received: 03/14/2003 Recorded: 03/11/2003 Pages: 2
Conveyance: ASSIGNS THE ENTIRE INTEREST
Assignor: ADVANTAX MANAGEMENT CORPORATION

Assignee: ADVANTAX GROUP, LLC
250 W. RIVER DRIVE
ST. CHARLES, ILLINOIS 60174

Exec Dt: 01/01/2003
Entity Type: CORPORATION
Citizenship: ILLINOIS
Entity Type: LIMITED LIABILITY COMPANY
Citizenship: NONE

Correspondent: BRENT E. OHLMANN, ATTORNEY AT LAW
1755 S. NAPERVILLE ROAD
SUITE 100
WHEATON, IL 60187

If you have any comments or questions concerning the data displayed, contact PRD / Assignments at 571-272-3350. Search Results as of: 09/03/2009 01:58 PM
Web Interface last modified: October 18, 2008 v.2.0.2

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# ADVANTAX

**Word Mark** ADVANTAX  
**Goods and Services** IC 035. US 100 101 102. G & S: Accounting services; Business management consulting; Tax consultation; Tax preparation. FIRST USE: 19940301. FIRST USE IN COMMERCE: 19940301  
**Standard Characters Claimed**  
**Mark Drawing Code** (4) STANDARD CHARACTER MARK  
**Serial Number** 77722707  
**Filing Date** April 27, 2009  
**Current Filing Basis** 1A  
**Original Filing Basis** 1A  
**Published for Opposition** September 1, 2009  
**Owner** (APPLICANT) Advantax Group, LLC LIMITED LIABILITY COMPANY ILLINOIS 200 W. River Road St. Charles ILLINOIS 60174  
**Attorney of Record** Brent E. Ohlmann  
**Prior Registrations** 2204822;2785762  
**Type of Mark** SERVICE MARK  
**Register** PRINCIPAL  
**Live/Dead Indicator** LIVE

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**Exhibit B**



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**No assignment has been recorded at the USPTO**

**For Serial Number: 77722707**

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# Exhibit B

Advantage | Definition of Advan... X  
https://www.merriam-webster.com/dictionary/advantage

Merriam-Webster SINCE 1828 advantage

DICTIONARY THESAURUS

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**advantage** noun  
ad-van-tage | \ ad-ˈvan-tij \

**Definition of advantage (Entry 1 of 2)**

- 1 : superiority of position or condition  
// Higher ground gave the enemy the *advantage*.
- 2 : a factor or circumstance of benefit to its possessor  
// lacked the *advantages* of an education
- 3 a : **BENEFIT, GAIN**  
especially : benefit resulting from some course of action  
// a mistake which turned out to our *advantage*
- b obsolete : **INTEREST** sense 3a
- 4 : the first point won in tennis after deuce

**to advantage**  
: so as to produce a favorable impression or effect  
// wishing to be seen *to advantage*

**advantage** verb  
**advantaged; advantaging**

**Definition of advantage (Entry 2 of 2)**  
*transitive verb*  
: to give an advantage to : **BENEFIT**  
// Government does not know how to strengthen all families, and no public policy avoids *advantaging* some families while implicitly asking others to wait in the queue.  
— Martin Neil Baily

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WORD OF THE DAY  
**abscond**  
to depart secretly and hide oneself

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Musical Words Quiz

Which word describes a musical performance marked by the absence of instrumental accompaniment?

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Advantage | Definition of Advan... X  
https://www.merriam-webster.com/dictionary/advantage

Merriam-Webster SINCE 1828 advantage

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↓ Synonyms & Antonyms

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**Synonyms & Antonyms for advantage**

**Synonyms: Noun**  
better, bulge, catbird seat, drop, edge, high ground, inside track, jump, pull, stead, upper hand, vantage, whip hand

**Synonyms: Verb**  
avail, benefit, help, profit, serve

**Antonyms: Noun**  
disadvantage, drawback, handicap, liability, minus, penalty, strike

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**Examples of advantage in a Sentence**

**Noun**  
// Higher ground gave the enemy the *advantage*.  
// He has an unfair *advantage* over us because of his wealth.

See More

Recent Examples on the Web: Noun

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- 1 stymie  
Scottish court rules proroga...
- 2 what's sauce for the goose  
is sauce for the gander  
Johnson's comments spark s...
- 3 prorogue  
Johnson asks to suspend Par...

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# Exhibit C

Avant-garde | Definition of Avant-garde by Merriam-Webster

Merriam-Webster SINCE 1828

avant-garde

DICTIONARY THESAURUS

ENTER FOR A CHANCE TO WIN TICKETS FOR A YEAR

**avant-garde** noun

\ ă-văn(t)-gärd, -ä; ə-ˈvānt-, ə-ˈvɑː-, ə-ˈvɒn(t)-\

**Definition of *avant-garde* (Entry 1 of 2)**

: an intelligentsia that develops new or experimental concepts especially in the arts  
// the *avant-garde* in the film industry

**avant-garde** adjective

**Definition of *avant-garde* (Entry 2 of 2)**

: of or relating to an avant-garde  
// *avant-garde* writers  
// an *avant-garde* filmmaker

Other Words from *avant-garde*

Synonyms

Learn More about *avant-garde*

WORD OF THE DAY

**abscond**

to depart secretly and hide oneself

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Avant-garde | Definition of Avant-garde by Merriam-Webster

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avant-garde

DICTIONARY THESAURUS

Other Words from *avant-garde*

**Noun**

**avant-gardism** \ -gär-di-zəm, -zəm \ noun

**avant-gardist** \ -gär-dist, -dist \ noun

**Synonyms for *avant-garde***

**Synonyms: Noun**

cutting edge, van, vanguard

**Synonyms: Adjective**

advanced, avant, cutting edge, progressive, state-of-the-art

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**First Known Use of *avant-garde***

**Noun**

1849, in the meaning defined above

**Adjective**

1925, in the meaning defined above

**History and Etymology for *avant-garde***

**Noun and Adjective**

French, vanguard

Musical Words Quiz

Which word describes a musical performance marked by the absence of instrumental accompaniment?

rococo a cappella

balladry Ionian mode

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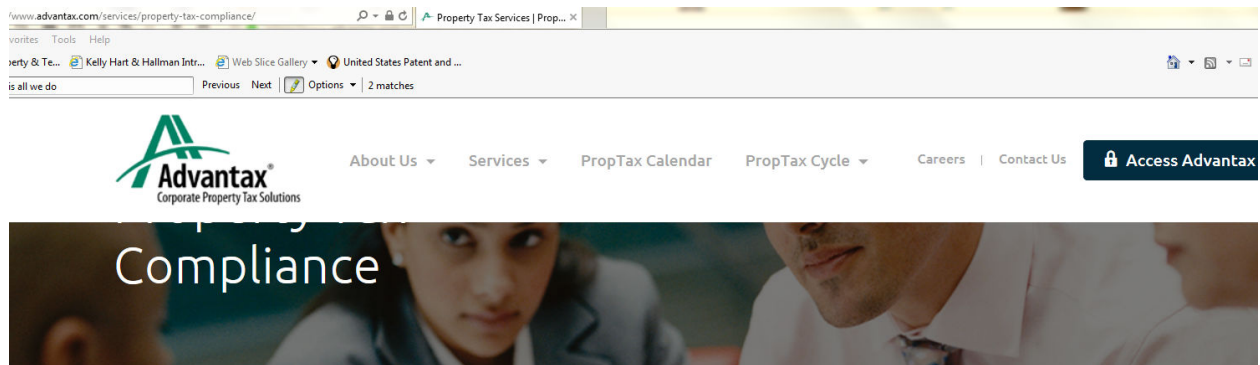
Meet Puku, Our New Kids' App!

# Exhibit D

The screenshot shows the BusinessDictionary website. The main heading is "tax preparation services". The definition states: "Accountants and tax professionals that prepare individual or business tax returns for submission to the IRS." Below the definition is a graphic that reads "TRUMP IS ON A ROLL" and "September 19, 2019: Trump Ends Another Obama Era Program". The graphic also includes text about a mortgage stimulus program and a "Select Your State: Texas" button. There are also advertisements for Intuit TurboTax and social media sharing options.

The screenshot shows the work.chron.com website. The main article is titled "What Is Tax Consultancy?". The text explains that for many people, filing an income tax return is daunting due to frequent changes in tax laws. It notes that individuals and business owners are often unaware of the rules governing deductions, credits, and reportable income, which can lead to underpayment or overpayment of taxes. A tax consultancy is described as a business that provides expert advice to tax filers, helping them understand tax laws and minimize obligations while reducing the risk of an audit. The page also features a list of "Related Articles" and a "More Articles" section. There are also advertisements for Intuit TurboTax and a video player showing a news clip about the Astros.

# Exhibit E



## Advantax Compliance

At Advantax, we take property tax compliance seriously – and why not? **Property Tax is all we do.** Our team is dedicated to manage your company's property tax compliance function. Advantax handles property tax compliance for hundreds of company's nation-wide, across all industries. Some of the markets we serve include the following:

- **Leased Equipment**
- Insurance, Banking & Title
- Restaurants
- Retail
- Healthcare
- Manufacturing
- Big Data

### What will we do for you?

Advantax's compliance process follows the best practices of the PropTax Cycle, with a guarantee that your returns will be filed timely and accurately.

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Our focus is on minimizing our customers' potential exposure and ensuring they pay only their fair share of property taxes.

We specialize in reducing taxes for a variety of companies including multi-state manufacturers, retail operators, leasing companies and distribution networks. We're proficient in complex valuation principles and the subtleties of local markets. If you have questions about exemptions, abatements, depreciation, trade levels and obsolescence, we have answers. We'll take the time to understand your unique needs and challenges, and show you how to save money.

Some of the services offered by Advantax include:

- Personal Property Reverse Audits
- Audit Preparation and Defense
- Personal Property valuation and life studies
- Real Estate Valuation
- Appeals & Negotiation
- Fixed Asset Studies
- Best Practice Analysis

*"The Advantax team and my staff work together as if they have been doing it for years. The thing that puts Advantax over the top is their responsiveness and level of customer service. Most tax firms look to get the job done,*

*"Advantax is a terrific company with many team members that I am very fond of. They have done a phenomenal job with our compliance. More importantly, they have helped us by saving a substantial amount of tax by the proactive work they do with*

*"Advantax is the only company I've found that aren't afraid to take on the hard projects."*  
– Property Tax Supervisor

*"Advantax is the premier company in America to work with for Property Taxes. If you're planning to outsource, there is no doubt that you need to take a good hard look at Advantax. They bring a rare combination of tax knowledge*

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https://www.advantax.com/services/high-volume-leasing/

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## Leasing Compliance

### What are "high volume returns"?

Commonly referred to as nuisance returns, the high volume, low dollar property tax return can cause severe strain on even the most well-oiled property tax departments. These returns can be anything and everything, including some of the following:

- Leased/Owned Healthcare Equipment
- Beverage Machines & Cafeteria Equipment
- Janitorial equipment
- Surgical supplies
- Tools, Dies, Molds
- Scientific lab Equipment
- Modular Trailers & Tanks
- Computer Equipment & Servers
- Remote Employees, mobile offices

The sheer volume in any given year can be overwhelming and outright demanding. Advantax has customized solutions for these very problems across all industries.

### What will we do for you?

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https://www.advantax.com/services/tax-bill-processing/

Property Tax Consultants, P...

Advantax Corporate Property Tax Solutions

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Our service includes:

- Tax Bill Review
- Check Requests Documents
- Funding Requests
- Cutting and Mailing of Checks

*"The Advantax team and my staff work together as if they have been doing it for years. The thing that puts Advantax over the top is their responsiveness and level of customer service. Most tax firms look to get the job done, Advantax looks to do that and much more."*  
— Indirect Tax Manager

*"Advantax is a terrific company with many team members that I am very fond of. They have done a phenomenal job with our compliance. More importantly, they have helped us by saving a substantial amount of tax by the proactive work they do with assessors to get favorable valuations. Over the last several years their service fee has been more than paid for by the savings they have achieved. There are many bigger property tax firms out there, but none better in my opinion"*  
— Director, Indirect Tax

*"Advantax is the only company I've found that aren't afraid to take on the hard projects."*  
— Property Tax Supervisor

*"Advantax is the premier company in America to work with for Property Taxes. If you're planning to outsource, there is no doubt that you need to take a good hard look at Advantax. They bring a rare combination of tax knowledge and process efficiency, something every tax department could benefit from."*  
— Vice President of Finance, Accounting

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Every taxpayer has the right to appeal an assessment, and there are several reasons for doing so: for example, your jurisdiction's assessment may exceed market value — or perhaps an unresolved statutory issue is in play. Or maybe the appeal is related to one of several other factors: a clerical/factual error, physical, functional and/or external changes at the facility, illegal taxation, or a lack of uniformity with similar taxpayers. In all of these instances, Advantax can help ensure a fair assessment of your real property. The steps we take include:

- Assessment review
- Appeals and negotiations
- Property tax cost segregation studies
- Abatement/Exemption implementation
- Site selection and expansion planning

*"The Advantax team and my staff work together as if they have been doing it for years. The thing that puts Advantax over the top is their responsiveness and level of customer service. Most tax firms look to get the job done, Advantax looks to do that and much more."*  
— Indirect Tax Manager

*"Advantax is a terrific company with many team members that I am very fond of. They have done a phenomenal job with our compliance. More importantly, they have helped us by saving a substantial amount of tax by the proactive work they do with assessors to get favorable valuations. Over the last several years their service fee has been more than paid for by the savings they have achieved. There are many bigger property tax firms out there, but none better in my opinion"*  
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*"Advantax is the premier company in America to work with for Property Taxes. If you're planning to outsource, there is no doubt that you need to take a good hard look at Advantax. They bring a rare combination of tax knowledge and process efficiency, something every tax department could benefit from."*  
— Vice President of Finance, Accounting

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Our Values  
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# Exhibit F

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## ADVANTAGE

Word Mark ADVANTAGE  
Goods and Services IC 035, US 100 101 102, G & S: Personalized payroll and tax preparation services; rendering technical advice and assistance to others in the establishment and operation of businesses providing personalized payroll and tax preparation services. FIRST USE: 19811101. FIRST USE IN COMMERCE: 19811101

Mark Drawing Code (1) TYPED DRAWING  
Serial Number 75937059  
Filing Date March 7, 2000  
Current Basis 1A  
Original Filing Basis 1A  
Published for Opposition October 24, 2000  
Registration Number 2421519  
Registration Date January 16, 2001  
Owner (REGISTRANT) Advantage Business Services Holdings, Inc. DBA Advantage Payroll Services CORPORATION DELAWARE 126 Merrow Road Auburn MAINE 04211  
(LAST LISTED OWNER) ADVANTAGE PAYROLL SERVICES, INC. CORPORATION DELAWARE 126 MERROW ROAD, P. O. BOX 1330 AUBURN MAINE 04211

Assignment Recorded ASSIGNMENT RECORDED  
Attorney of Record KRISTEN M. WALSH  
Prior Registrations 1443516  
Type of Mark SERVICE MARK  
Register PRINCIPAL  
Affidavit Text SECT 15, SECT 8 (6-YR), SECTION 8(10-YR) 20100512  
Renewal 1ST RENEWAL 20100512  
Live/Dead Indicator LIVE

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## REFUND ADVANTAGE

Word Mark REFUND ADVANTAGE  
Goods and Services IC 035, US 100 101 102, G & S: Income tax refund services, namely, banking services related to income tax refunds. FIRST USE: 20050430. FIRST USE IN COMMERCE: 20050430

Standard Characters Claimed  
Mark Drawing Code (4) STANDARD CHARACTER MARK  
Serial Number 85958549  
Filing Date June 13, 2013  
Current Basis 1A  
Original Filing Basis 1A  
Published for Opposition November 12, 2013  
Registration Number 4474725  
Registration Date January 28, 2014  
Owner (REGISTRANT) Fort Knox Financial Services Corporation DBA Refund Advantage CORPORATION KENTUCKY 1302 Clear Springs Trace Louisville KENTUCKY 40223  
Attorney of Record Valerie T. Mayer  
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Type of Mark SERVICE MARK  
Register PRINCIPAL  
Live/Dead Indicator LIVE

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### FIRST ADVANTAGE

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**Standard Characters Claimed**  
**Mark Drawing Code**  
**Trademark Search Facility Classification Code**  
**Serial Number**  
**Filing Date**  
**Current Basis**  
**Original Filing Basis**  
**Published for Opposition**  
**Change in Registration**  
**Registration Number**  
**Registration Date**  
**Owner**  
**Assignment Recorded**  
**Attorney of Record**  
**Prior Registrations**  
**Type of Mark**  
**Register**  
**Affidavit Text**  
**Renewal**  
**Live/Dead Indicator**

FIRST ADVANTAGE  
 IC 035. US 100 101 102. G & S. Business consultation and information services; business inquiry, investigation, evaluation, appraisal, information, and research services, tax and location planning advice, information, and consultation services; [ development of and consultation with respect to shipping and packaging policies and procedures to mitigate the risk of cargo loss and damage; ] vehicle fleet management services; [ development of and consultation with respect to; ] business management and operation of employee assistance programs; [ development of and consultation with respect to; ] business management and operation of employee assistance programs dealing with any personal issue that might affect worker productivity. FIRST USE: 20021212; FIRST USE IN COMMERCE: 20030005  
 IC 036. US 100 101 102. G & S. Credit and financial consultation [ evaluation, and reporting ] services. FIRST USE: 20021212; FIRST USE IN COMMERCE: 20030005  
 IC 038. US 100 105 108. G & S. [ Storage of electronic employment applications; ] storage of resumes. FIRST USE: 20030427; FIRST USE IN COMMERCE: 20030427  
 [ CANCELLED ] IC 041. US 100 101 107. G & S. [ Providing employment applications as online documents; ] FIRST USE: 20050323; FIRST USE IN COMMERCE: 20050323  
 IC 042. US 100 101. G & S. Development and provision of driver qualification systems, namely, providing a nondownloadable online tool whereby users can monitor commercial drivers for compliance with Department of Transportation rules and regulations; computer services, namely, data recovery services. FIRST USE: 20051005; FIRST USE IN COMMERCE: 20051020  
 IC 044. US 100 101. G & S. Drug testing for substance abuse; driver screening services to ensure that commercial drivers are physically qualified to meet Department of Transportation rules and regulations. FIRST USE: 20030905; FIRST USE IN COMMERCE: 20030905  
 IC 045. US 100 101. G & S. [ Development of and consultation with respect to supply chain security programs, namely, loss exposure and countermeasure analysis for cargo theft exposure on a line-of-trade or country-of-origin basis and facility risk assessment and emerging market assessments; ] litigation consultation and support services; [ pre-employment, pre-hiring, and other background inquiry, investigation, evaluation, information, research, and screening services; ] private investigation services; fingerprinting services, namely, processing and management of fingerprints; providing motor vehicle and driver background reports. FIRST USE: 20021212; FIRST USE IN COMMERCE: 20030005

(4) STANDARD CHARACTER MARK  
 NUM:157 Marks containing '157' or the word First  
 7751379  
 November 13, 2009  
 1A  
 February 17, 2009  
 CHANGE IN REGISTRATION HAS OCCURRED  
 2659029  
 May 8, 2009  
 (REGISTRANT) FMI Advantage Corporation CORPORATION DELAWARE 180 Carlin Parkway Dr, Pompano Beach, FLORIDA 33178  
 (LAST LISTED OWNER) STS-FARWAY U.S. LLC LIMITED LIABILITY COMPANY DELAWARE 100 CARILLON PARKWAY, SUITE 300 8T PETERSBURG FLORIDA 33710

ASSIGNMENT RECORDED  
 MISHIN, RICHARD  
 337140  
 SERVICE MARK  
 PRINCIPAL  
 SECT 15. PARTIAL SECT B (5-YR); SECTION 8(10-YR) 20150503  
 1ST RENEWAL 20150503  
 LIVE

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### H&R BLOCK ADVANTAGE

**Word Mark**  
**Goods and Services**  
**Standard Characters Claimed**  
**Mark Drawing Code**  
**Serial Number**  
**Filing Date**  
**Current Basis**  
**Original Filing Basis**  
**Published for Opposition**  
**Registration Number**  
**Registration Date**  
**Owner**  
**Assignment Recorded**  
**Attorney of Record**  
**Prior Registrations**  
**Type of Mark**  
**Register**  
**Affidavit Text**  
**Renewal**  
**Live/Dead Indicator**

H&R BLOCK ADVANTAGE  
 IC 035. US 100 101 102. G & S. TAX ADVICE AND PLANNING SERVICES. FIRST USE: 20040101; FIRST USE IN COMMERCE: 20040101

(4) STANDARD CHARACTER MARK  
 78370112  
 February 18, 2004  
 1A  
 January 19, 2005  
 2939964  
 April 12, 2005  
 (REGISTRANT) HRB Royalty, Inc. CORPORATION DELAWARE P.O. Box N-8220, Suite 101, TK House Bayside Executive Pk, Bay St&Bake Rd, Nassau BAHAMAS  
 (LAST LISTED OWNER) HRB INNOVATIONS, INC. CORPORATION DELAWARE 2215-B Renaissance Drive Las Vegas NEVADA 89119

ASSIGNMENT RECORDED  
 Michael Elben  
 1502530;2024035;2533014;2533034;2533035;2533036;2637032;AND OTHERS

SERVICE MARK  
 PRINCIPAL  
 SECT 15. SECT B (5-YR); SECTION 8(10-YR) 20150403  
 1ST RENEWAL 20150403  
 LIVE

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Record 1 out of 1

TSDR ASSIGN Status ITAB Status ( Use the "Back" button of the Internet Browser to return to TESS)

**OASIS TAX ADVANTAGE**

Word Mark OASIS TAX ADVANTAGE  
 Goods and Services IC 035, US 100 101 102, G & S, Tax consultation, FIRST USE: 20090400, FIRST USE IN COMMERCE: 20090400  
 Standard Characters Claimed  
 Mark Drawing Code (4) STANDARD CHARACTER MARK  
 Serial Number 77954656  
 Filing Date March 9, 2010  
 Current Basis 1A  
 Original Filing Basis 1B  
 Published for Opposition March 22, 2011  
 Registration Number 4080631  
 Registration Date January 3, 2012  
 Owner (REGISTRANT) Oasis Outsourcing Holdings, Inc. CORPORATION FLORIDA 2054 Vista Parkway, Suite 300 West Palm Beach FLORIDA 33411  
 Assignment Recorded ASSIGNMENT RECORDED  
 Attorney of Record Kristen Molnow Walsh  
 Prior Registrations 2115702,2549720,2597498  
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 Type of Mark SERVICE MARK  
 Register PRINCIPAL  
 Affidavit Text SECT 15, SECT 8 (6-YR)  
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<p>ADVANTAX SERVICES                      4940 Golden Gate Pkwy, Naples, FL 34116-6962                      239 692-2076</p>	<p>Single                      Location</p>	<p>Active</p>	<p>Email D-U-N-S* Number &gt;                      View / Edit Company Information &gt;</p>
<p>ADVANTAX INC                      5855 Casanova Ave, North Port, FL 34291-6324</p>	<p>Single                      Location</p>	<p>Active</p>	<p>Email D-U-N-S* Number &gt;                      View / Edit Company Information &gt;</p>
<p>ADVANTAX MANAGEMENT CORP                      11458 Waterford Village Ct, Fort Myers, FL 33913-7939</p>	<p>Single                      Location</p>	<p>Out of                      Business</p>	<p>Email D-U-N-S* Number &gt;                      View / Edit Company Information &gt;</p>

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ADVANTAX INC 926 Maxfield Dr, Ogden, UT 84404-5322 801 621-4700	Single Location	Active	Email D-U-N-S' Number View / Edit Company Information
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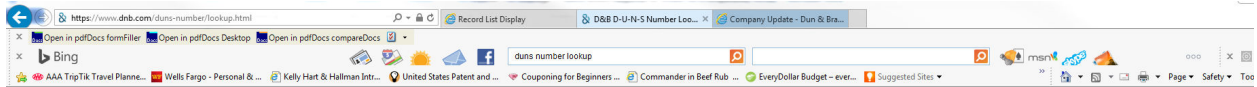
1 Search Results

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ADVANTAX AND ACCOUNTING GROUP 1001 Johnson Pkwy, Saint Paul, MN 55106-3474 651 797-4257	Single Location	Active	Email D-U-N-S' Number View / Edit Company Information
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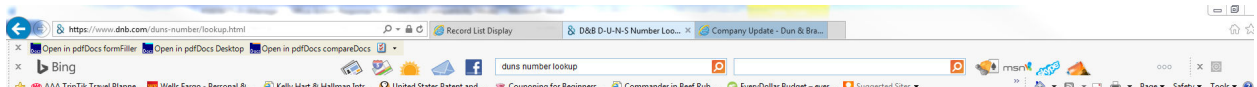
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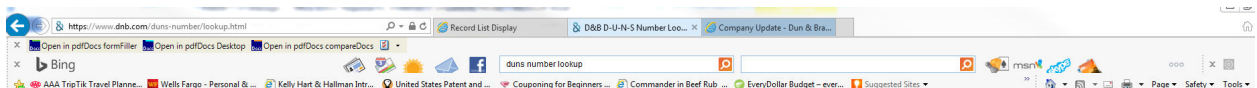
<b>ADVANTAX BUSINESS SOLUTIONS</b> 11803 Grant Rd, Cypress, TX 77429-4032 832 698-7300	Single Location	Active	<a href="#">Email D-U-N-S* Number</a>  <a href="#">View / Edit Company Information</a> 
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<b>ADVANTAX PROFESSIONAL SERVICES</b> 15538 Michigan Ave, Dearborn, MI 48126-2901 313 582-1900	Single Location	Active	<a href="#">Email D-U-N-S* Number</a>  <a href="#">View / Edit Company Information</a> 
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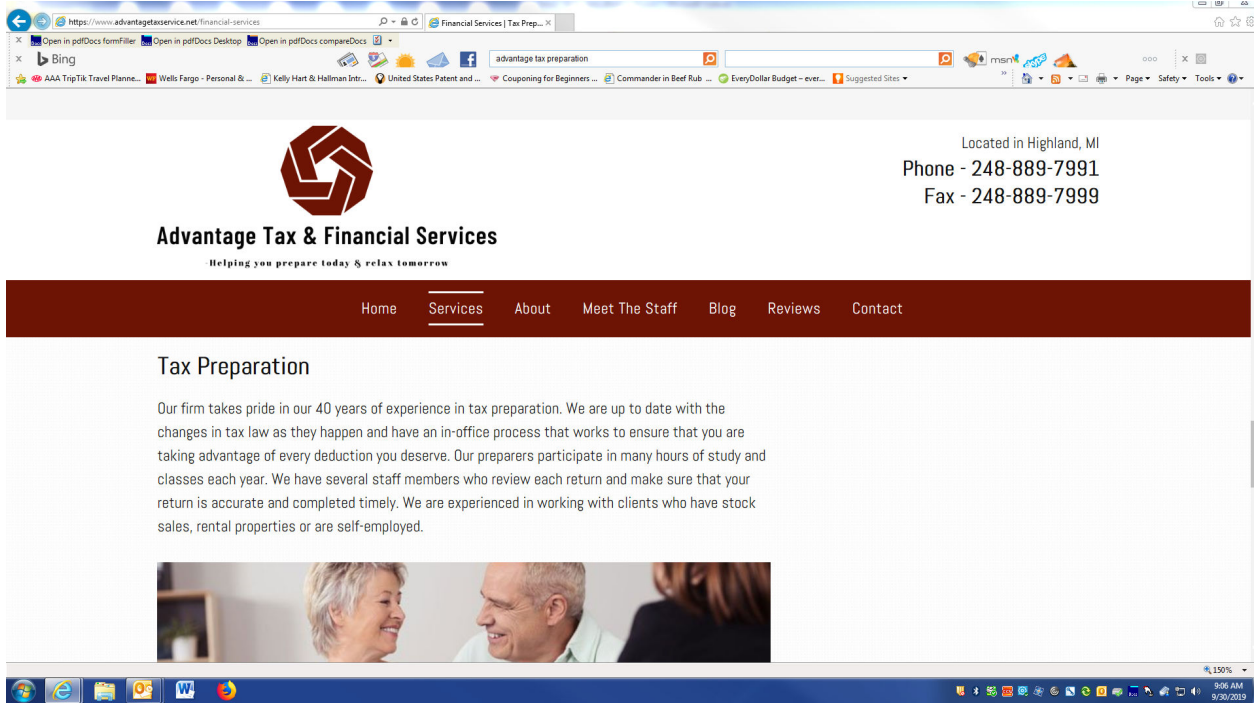
<b>ADVANTAX BUSINESS SVCS</b> 11641 Chandler Dr, Plymouth, MI 48170-3189 734 453-3747	Single Location	Active	<a href="#">Email D-U-N-S* Number</a>  <a href="#">View / Edit Company Information</a> 
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<b>ADVANTAX, LLC</b> 371 Ermines Way, McDonough, GA 30253-1908	Single Location	Active	<a href="#">Email D-U-N-S* Number</a>  <a href="#">View / Edit Company Information</a> 
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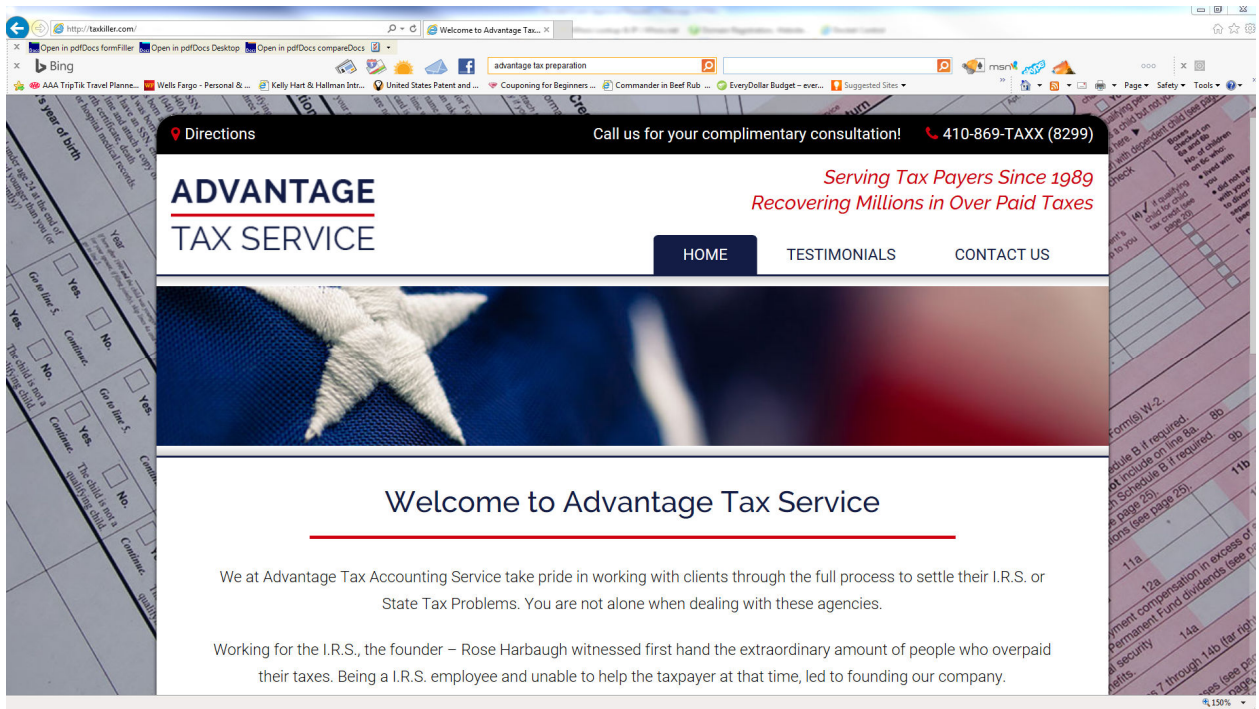
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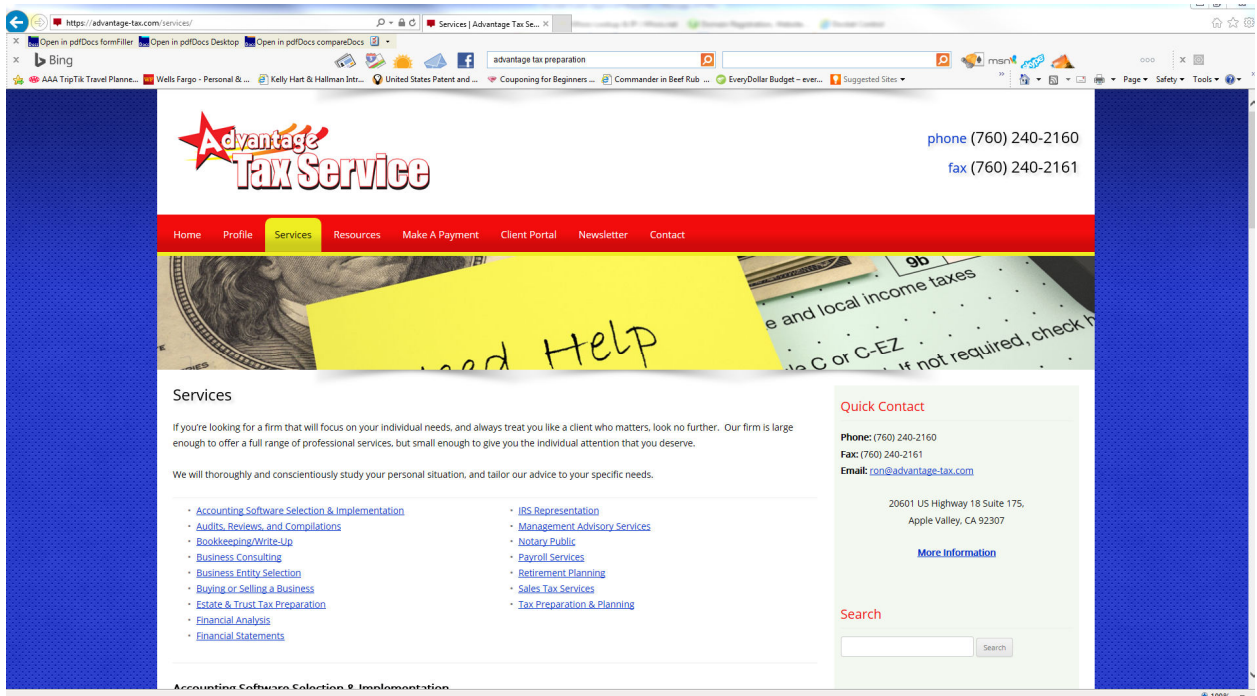
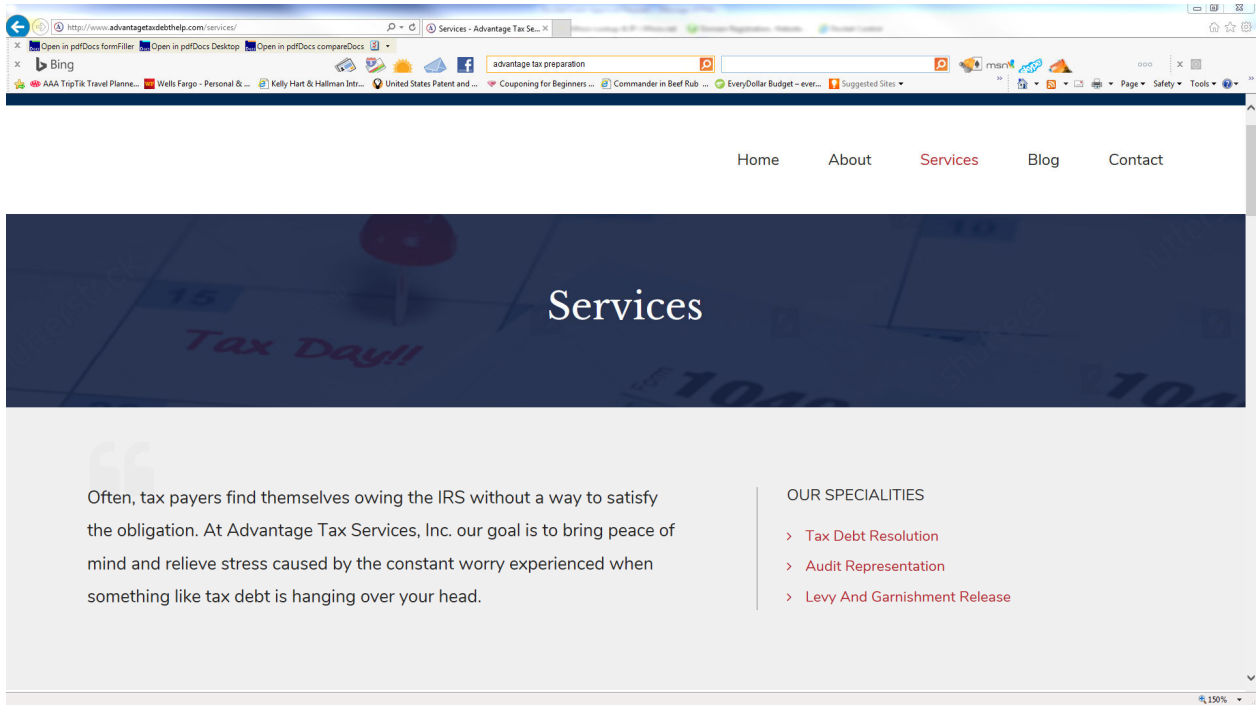
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Working for the I.R.S., the founder – Rose Harbaugh witnessed first hand the extraordinary amount of people who overpaid their taxes. Being a I.R.S. employee and unable to help the taxpayer at that time, led to founding our company.

9:15AM





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**Key 2018 Tax Highlights**

Advantage Tax Service is a family owned and operated tax preparation firm located on West Main Street in Spartanburg, SC. For twenty six years we have been entrusted to complete thousands of tax returns. Because we get new business from the people who know us best, client referrals continue to fuel our growth. We continue to build our business on a very basic principal, which is one satisfied client at a time. We invite you to be the next one. We look forward to serving you soon.

[Learn more about us. click here.](#)

**Latest News**

**UPDATE: OUR OFFICE WILL BE CLOSED THE WEEK OF JULY 1 – 4. WE WILL REOPEN ON MONDAY, JULY 8th at 9 am. We hope everyone has a safe and Happy Fourth of July!** Please take note that we are in our off tax season hours and can accept walk ins as well as scheduled appointments between the hours of 9:00 am until 5:00 pm Monday through Thursday. We also can work with other days and hours but only by a scheduled appointment. We had another fantastic season with 255 new clients being helped. Add this number to our returning client base and that brings our number to 1838 returns being filed.


There are lots of changes that affect 2018 Individual Tax Returns, with all 1040's being affected in one way or another. The Tax Cuts and Jobs Act that passed in December 2017 produced some winners and some losers among different categories of taxpayers. We want you to know we are here and well prepared to sort this out for you. We have spent a lot of time this past year to understand the new tax law and how it will impact taxpayers this coming season and it's becoming clearer who the likely winners and losers of the tax overhaul are. Whether or not you benefit under the new tax law, it's important to understand the new rules for proper tax planning going forward. That's where we separate ourselves from other tax offices. We are not just Tax Preparers with a goal on getting you in and out of the door in a hurry. We pride ourselves on being true Tax Professionals who not only see you one time and complete a tax return, but are available year round to help you map out a successful Tax Plan. We firmly believe no one should have to pay the IRS more than they legally owe. That is why we go to great lengths to assist our clients with much more than just their Annual Tax Return. If you feel you have been slighted by others or if you are concerned with your abilities to do your own return, we invite you to be absolutely certain you only pay the lowest amount of tax. We feel you will be reassured by placing your trust in us and we will not let you down. Contact our office to begin the

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1:30

**Don't Buy The Hype**

There are a lot of misconceptions about Social Security. Here's the truth about three of them.

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**Who We Are**


Advantage Tax Group is a full service financial service firm dedicated to guiding the individual and the entrepreneur to financial success by helping them lower their taxes, invest in their future and protect their assets.

**Helpful Content**

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