

This Opinion is Not a
Precedent of the TTAB

Mailed: November 17, 2020

UNITED STATES PATENT AND TRADEMARK OFFICE

—
Trademark Trial and Appeal Board

—
In re James Kelleher

—
Serial No. 87882281

Christopher P. Bussert of Kilpatrick Townsend & Stockton LLP,
for James Kelleher.

Pauline Ha,¹ Trademark Examining Attorney, Law Office 115,
Daniel Brody, Managing Attorney.

—
Before Lykos, Shaw and English,
Administrative Trademark Judges.

Opinion by Lykos, Administrative Trademark Judge:

James Kelleher (“Applicant”) seeks to register on the Principal Register the standard character mark ASK JIM FIRST for, as amended, “Lawyer referral services provided to consumers who seek to retain an attorney to represent them in personal

¹ The application was originally assigned to Trademark Examining Attorney Sahar Nasserghodsi.

injury matters, excluding business advice, inquiries and information services” in International Class 35.²

Registration has been refused under Section 2(d) of the Trademark Act, 15 U.S.C. § 1052(d), on the ground that Applicant’s applied-for mark so resembles the registered standard character mark ASK JIM on the Principal Register for “Business advice, inquiries or information” in International Class 35,³ that it is likely to cause confusion or mistake or to deceive.⁴

Briefing of the appeal is now complete. For the reasons set forth below, we affirm.

I. Likelihood of Confusion

Our determination under Section 2(d) is based on an analysis of all of the probative evidence of record bearing on a likelihood of confusion. *In re E. I. DuPont de Nemours & Co.*, 476 F.2d 1357, 177 USPQ 563, 567 (CCPA 1973) (“*DuPont*”). *See also In re Majestic Distilling Co.*, 315 F.3d 1311, 65 USPQ2d 1201, 1203 (Fed. Cir. 2003). We must consider each *DuPont* factor for which there is evidence and

² Application Serial No. 87882281, filed April 18, 2018, under Section 1(b) of the Trademark Act, 15 U.S.C. § 1051(b), alleging a bona fide intent to use the mark in commerce.

Citations to the prosecution file refer to the USPTO’s Trademark Status & Document Retrieval (“TSDR”) system and identify documents by title and date. References to the briefs and other materials in the appeal record refer to the Board’s TTABVUE docket system.

³ Registration No. 3289118, registered September 4, 2007; renewed. Registrant’s mark appears on the drawing page as “Ask Jim” but retains a claim as to standard characters and not special form. *See* Trademark Rule 2.52(a), 37 C.F.R. § 2.52(a); *see also In re Calphalon Corp.*, 122 USPQ2d 1153, 1158-61 (TTAB 2017) (applicant’s amendment of mark from SHARPIN to SharpIn did not transform mark from standard character to special form). Our references to Applicant’s mark in this opinion in all uppercase letters reflects the fact that a term registered as a mark in standard character format is not limited to any particular type case, font style, size, or color.

⁴ A Section 2(d) refusal based on cited Registration No. 2151373 became moot following the cancellation of that registration.

argument. *See, e.g., In re Guild Mortg. Co.*, 912 F.3d 1376, 129 USPQ2d 1160, 1162-63 (Fed. Cir. 2019). When analyzing these factors, the overriding concerns are not only to prevent buyer confusion as to the source of the services, but also to protect the registrant from adverse commercial impact due to use of a similar mark by a newcomer. *See In re Shell Oil Co.*, 992 F.2d 1204, 26 USPQ2d 1687, 1690 (Fed. Cir. 1993).

Varying weights may be assigned to each *DuPont* factor depending on the evidence presented. *See Citigroup Inc. v. Capital City Bank Grp. Inc.*, 637 F.3d 1344, 98 USPQ2d 1253, 1261 (Fed. Cir. 2011); *Shell Oil Co.*, 26 USPQ2d at 1688 (“[T]he various evidentiary factors may play more or less weighty roles in any particular determination.”). In any likelihood of confusion analysis, however, two key considerations are the similarities between the marks and the similarities between the services. *See In re Chatam Int’l Inc.*, 380 F.3d 1340, 71 USPQ2d 1944, 1945-46 (Fed. Cir. 2004); *Federated Foods, Inc. v. Fort Howard Paper Co.*, 544 F.2d 1098, 192 USPQ 24, 29 (CCPA 1976) (“The fundamental inquiry mandated by § 2(d) goes to the cumulative effect of differences in the essential characteristics of the [services] and differences in the marks.”). We discuss these factors and others below.

A. The Marks

This first *DuPont* likelihood of confusion factor involves an analysis of the similarity or dissimilarity of the marks in their entirety as to appearance, sound, connotation and commercial impression. *Palm Bay Imps., Inc. v. Veuve Clicquot Ponsardin Maison Fondée En 1772*, 396 F.3d 1369, 73 USPQ2d 1689, 1692 (Fed. Cir.

2005) (citing *DuPont*, 177 USPQ at 567). “Similarity in any one of these elements may be sufficient to find the marks confusingly similar.” *In re Inn at St. John’s, LLC*, 126 USPQ2d 1742, 1746 (TTAB 2018), *aff’d mem.*, 777 F. App’x (Fed. Cir. 2019). *Accord Krim-Ko Corp. v. Coca-Cola Bottling Co.*, 390 F.2d 728, 156 USPQ 523, 526 (CCPA 1968) (“It is sufficient if the similarity in either form, spelling or sound alone is likely to cause confusion.”) (citation omitted). “The proper test is not a side-by-side comparison of the marks, but instead ‘whether the marks are sufficiently similar in terms of their commercial impression’ such that persons who encounter the marks would be likely to assume a connection between the parties.” *Coach Servs., Inc. v. Triumph Learning LLC*, 668 F.3d 1356, 101 USPQ2d 1713, 1721 (Fed. Cir. 2012) (citation omitted).

As noted above, the applied-for mark is ASK JIM FIRST, and the cited mark is ASK JIM. To state the obvious, both marks are slogans and are highly similar in sound and appearance, with an almost identical meaning and commercial impression. In addition, Applicant’s mark incorporates the entirety of the cited mark. While there is no per se rule that likelihood of confusion automatically applies where one mark encompasses another, likelihood of confusion has often been found where the entirety of one mark is incorporated within another. *See In re Denisi*, 225 USPQ 624, 626 (TTAB 1985) (PERRY’S PIZZA for restaurant services specializing in pizza and PERRY’S for restaurant and bar services); *see also Coca-Cola Bottling Co. of Memphis, Tennessee, Inc. v. Joseph E. Seagram and Sons, Inc.*, 526 F.2d 556, 188 USPQ 105 (CCPA 1975) (applicant’s mark BENGAL LANCER for club soda, quinine

water and ginger ale likely to cause confusion with BENGAL for gin); *In re Integrated Embedded*, 120 USPQ2d 1504, 1513 (TTAB 2016) (applicant's mark BARR GROUP wholly encompasses the registered mark BARR); *Johnson Publ'g Co. v. Int'l Dev. Ltd.*, 221 USPQ 155, 156 (TTAB 1982) (applicant's mark EBONY DRUM for hairdressing and conditioner is likely to cause confusion with EBONY for cosmetics); *In re U.S. Shoe Corp.*, 229 USPQ 707, 709 (TTAB 1985) (finding applicant's CAREER IMAGE marks similar to registered mark CREST CAREER IMAGES). This principle holds true here especially given that the sole distinguishing word, FIRST, appears at the end of the phrase ASK JIM in Applicant's mark. For this reason, consumers are likely to perceive the applied-for mark ASK JIM FIRST as a variation of the cited mark ASK JIM.

Overall the marks are similar in sound, sight, connotation and commercial impression. In making this finding, we note the differences in sight and sound. Consumers, however, do not focus on minutia but rather overall impressions. The sole distinguishing feature is likely to be overlooked when consumers consider the marks in their entirety. This *DuPont* factor weighs in favor of finding a likelihood of confusion.

B. Strength of the Cited Mark

Applicant postulates that the cited registration ASK JIM is entitled to only a narrow scope of protection. In support thereof, Applicant points to third-party registered marks incorporating the word ASK for both related and unrelated services (ASK LEGAL, ASK LEGAL BRAINS, ASK LESLIE THE LAWYER, ASK A

LAWYER, ASKDOCTORLAW, 1-800-ASK DAVE, ASK RITA K, ASK THE DOM, ASK THE GENIUS, ASK SOMEONE YOU TRUST ABOUT US, ASK STEVE FOR FREE, ASK GARY, ASKLAW, ASK LAW OFFICES, ASK DAVE, JUST ASK, and 1-800-ASK-GARY); third-party registered marks incorporating the word FIRST for related and unrelated services (CALL BART FIRST, CLICK ME FIRST, CALL ME FIRST, CLICK BART FIRST, BUSINESS LAWYERS FIRST, and RESULTS FIRST); and third-party registered marks incorporating both ASK and FIRST (ASK US FIRST, ASK ME FIRST, ASK COLIN FIRST and ASK FIRST).⁵

Third-party registrations alone may be relevant, in the manner of dictionary definitions, “to prove that some segment of the [marks] has a normally understood and well recognized descriptive or suggestive meaning, leading to the conclusion that that segment is relatively weak.” *Juice Generation, Inc. v. GS Enters. LLC*, 794 F.3d 1334, 115 USPQ2d 1671, 1675 (Fed. Cir. 2015) (internal quotation marks omitted). *See also Jack Wolfskin Ausrüstung Fur Draussen GmbH & Co. KGAA v. New Millennium Sports, S.L.U.*, 797 F.3d 1363, 116 USPQ2d 1129, 1135-36 (Fed. Cir. 2015). In addition, “in determining the degree of weakness, if any, in the shared terms, we must ‘adequately account for the apparent force of [third-party use and registration] evidence,’ regardless of whether ‘specifics’ pertaining to the extent and impact of such use have been proven.” *Inn at St. John’s*, 126 USPQ2d at 1746.

Some of the third-party registrations have been cancelled. For example, Registration No. 2151373 for the mark ASK FIRST for “physician referral services”

⁵ See May 1, 2019 Request for Reconsideration, pp. 66-94.

was cancelled for failure to file a Section 8 affidavit or declaration showing use of the mark in commerce in the United States. “The existence of a cancelled registration—particularly one cancelled for failure to provide a declaration of continued use—does not tend to show that the cited mark is weak due to third-party use.” *Inn at St. John’s*, 126 USPQ2d at 1745. *See also New Era Cap Co., Inc. v. Pro Era, LLC*, 2020 USPQ2d 10596, *12-13 (TTAB 2020). Of the remaining third-party registrations, none incorporate the given name JIM, an integral feature of the cited mark, or for that matter both ASK and JIM for the same or related services. Applicant has not shown that the cited mark ASK JIM is conceptually weak in connection with the identified services or services related thereto, making the cited mark deserving a lesser scope of protection.

C. The Services

Next we compare the services as they are identified in the involved application and cited registration. *See In re Detroit Athletic Co.*, 903 F.3d 1297, 128 USPQ2d 1047, 1052 (Fed. Cir. 2018); *Stone Lion Capital Partners, LP v. Lion Capital LLP*, 746 F.3d 1317, 110 USPQ2d 1157, 1161 (Fed. Cir. 2014); *Octocom Sys., Inc. v. Hous. Comput. Servs. Inc.*, 918 F.2d 937, 16 USPQ2d 1783, 1787 (Fed. Cir. 1990); and *Hewlett-Packard Co. v. Packard Press Inc.*, 281 F.3d 1261, 62 USPQ2d 1001, 1004 (Fed. Cir. 2002). The services need not be identical or even competitive to find a likelihood of confusion. *On-line Careline Inc. v. Am. Online Inc.*, 229 F.3d 1080, 56 USPQ2d 1471, 1475 (Fed. Cir. 2000); *Recot, Inc. v. Becton*, 214 F.3d 1322, 54 USPQ2d 1894, 1898 (Fed. Cir. 2000). They need only be “related in some manner and/or if the

circumstances surrounding their marketing are such that they could give rise to the mistaken belief that the [services] emanate from the same source.” *Coach Servs., Inc. v. Triumph Learning LLC*, 101 USPQ2d at 1722 (quoting *7-Eleven Inc. v. Wechsler*, 83 USPQ2d 1715, 1724 (TTAB 2007)). Evidence of relatedness may include news articles and/or evidence from computer databases showing that the relevant services are used together or used by the same purchasers; advertisements showing that the relevant services are advertised together or sold by the same manufacturer or dealer; and/or copies of prior use-based registrations for both applicant’s services listed in the cited registration. *See In re Davia*, 110 USPQ2d 1810, 1817 (TTAB 2014).

Applicant amended his identification of services to exclude Registrant’s services.⁶ The Examining Attorney’s position is that notwithstanding the amendment, the services are in-part legally identical, or alternatively, that they are related.

Turning first to the question of whether the services are in-part legally identical, the Examining Attorney contends that Registrant’s business information services are sufficiently broad to encompass Applicant’s “Lawyer referral services provided to consumers who seek to retain an attorney to represent them in personal injury matters.” As evidentiary support, the Examining Attorney points to the following dictionary definitions and WIKIPEDIA entries:

The definition of “business” from COLLINS DICTIONARY as used as “work relating to the production, buying, and

⁶ The original identification of services was “Legal referral services.” On May 3, 2019, Applicant’s first amendment to “Legal referral services provided to consumers primarily on personal injury matters” was approved. The second and final amendment to the identification was approved on January 29, 2020 following Applicant’s January 27, 2020 Request for Remand.

selling of goods or services” or an “organization which produces and sells goods or which provides a service.”⁷

The definition of “information” from COLLINS DICTIONARY as “about someone or something consists of facts about them.”⁸

The entry for “business information” from WIKIPEDIA as “one of the three main segments of the information industry,” and describing “primary business information formats” as including “basic reference sources such as...internet resources,” “[d]irectories,” and “[e]lectronic business information.”⁹

Based on these definitions, the Examining Attorney takes a broad view of Registrant’s business information services as encompassing “directory listings and business contact information for businesses providing legal services, including law firms and solo and associated attorneys,” which would presumably include Applicant’s “Lawyer referral services provided to consumers who seek to retain an attorney to represent them in personal injury matters.” The Examining Attorney attempts to make this connection by pointing to the following evidence describing the nature of online directories:

ApricotLaw Blog stating “Online directory listings are websites that collect business information to make it easier for someone to find a business they’re looking for, and to compare businesses’ basic information to see which one will meet the potential client’s needs....For example, legal directories are going to be the most helpful for law firms. There are even directories that further break down the listings into practice areas....”¹⁰

⁷ See November 27, 2019 Office Action, pp. 2-3.

⁸ *Id.* at 3.

⁹ *Id.* at 4.

¹⁰ *Id.* at 5.

AttorneyatWork highlighting the importance of having “Correct Business Information” in the nature of “business address and contact information” and “business category” on business listing sites.¹¹

PaperStreet stating that business information for use on various online directories includes “business name, address, and phone,” as well as “a backlink to their website.”¹²

The dictionary definitions of “business,” “information,” and “business information” proffered by the Examining Attorney are too imprecise for us to find that they subsume the legal referral services of the type identified in the application. We also reach the same conclusion as to the excerpts from *AttorneyatWork* and *PaperStreet* describing online directory services. While more on point, the excerpt from *ApricotLaw* consists of a blog, which while relevant, is of less probative weight since we cannot ascertain the degree of exposure.¹³ See *In re Morrison & Foerster LLP*, 110 USPQ2d 1423, 1424 n.2 (TTAB 2014) (“These blog postings are from what appear to be well-established media sources with national circulation and public exposure as well as more obscure blogs for which we cannot ascertain the degree of

¹¹ *Id.* at 6-8.

¹² *Id.* at 9-11.

¹³ The Board does consider blog postings, taking into account their origin. See TRADEMARK TRIAL AND APPEAL BOARD MANUAL OF PROCEDURE § 1208.03 (2020). Blogs hosted by nationally known enterprises or media outlets will have greater probative value than blogs hosted by individuals insofar as we do not know the extent of the reach to the public for individual postings. See, e.g., *In re Geller*, 751 F.3d 1355, 110 USPQ2d 1867, 1870 (Fed. Cir. 2014) (the Board, in noting that “the probative value of the blog comments ... is less than that of the articles themselves due to the anonymity of the authors,” did not err in concluding that such comments shed light on the meaning of words in the mark.

exposure. As such, we are aware that many of the blogs may simply reflect the perception of a single author and not that of the general public.”).

Having determined that the evidence does not establish that the services are legally identical, we now turn to the question of whether substantial evidence exists to show that the services are related. To support the assertion that the services are related because some entities provide both Applicant’s and Registrant’s services, the Examining Attorney made of record with the initial Office Action refusing registration excerpts from the LegalZoom, LegalShield and Rocket Lawyer websites:¹⁴

¹⁴ See August 14, 2018 Office Action, pp. 12-38.

https://www.legalzoom.com/join-attorney-network.html 08/14/2018 12:17:52 PM

legalzoom[®] Customer Care: (800) 773-0888


[Speak with an attorney](#) [Sign In](#) [Help](#)

[Starting Your Business](#) [Running Your Business](#) [Wills & Trusts](#) [Personal & Family](#) [For Workplace](#)

Are you an attorney with a desire to help people and a track record to prove it? Let's talk.

We're looking for attorneys across the U.S. to provide our customers with sound legal advice, representation and other legal services.

[Join us](#)



Launched in 2010, our plans have gained steady growth and strong demand year after year. Now is your chance to participate and grow your practice with qualified new customers.

The Plans

We offer two types of legal plans for our customers.

<h3>Business Advantage Pro</h3>  <p>For small businesses</p> <p>Business owners or those looking to start a business can ask business legal questions, get contracts reviewed, request custom-drafted documents at simple flat fees and more.</p> <p>Learn more about this plan</p>	<h3>Legal Advantage Plus</h3>  <p>For individuals</p> <p>Individuals can ask personal legal questions, get advice for specific situations, have estate planning documents reviewed by an attorney and more.</p> <p>Learn more about this plan</p>
---	--

The Attorneys

Our plans are serviced by independent attorneys licensed in their respective states.

 <h3>Plan Attorneys</h3> <p>Customers request consultations and get connected with a Plan attorney licensed to practice in their state.</p> <ul style="list-style-type: none">• Diversify your practice with Legal Plan consultations• Flexible to your schedule• Help real people and make a real difference	 <h3>Local Attorney Directory</h3> <p>Our Local Attorney Directory is an internal tool for Plan attorneys to refer people to attorneys in their state. It's the easiest way to refer our customers when they have a legal need that falls outside the scope of our plans.</p> <p>It is completely free to join the directory.</p> <p>The only requirement is that LegalZoom customers referred through the directory receive a 25% discount off the attorney's regular reasonable rate (excluding matters taken on a</p>
---	--

https://www.legalzoom.com/business/business-formation/index.html 08/14/2018 12:21:07 PM


legalzoom OUR SERVICES ATTORNEY ADVICE WHY US (844) 203-8560 MY ACCOUNT HELP

Home > Business

Business Formation

We're in the business of helping you start your business


Over 1 million businesses have trusted us to help them get started.



Limited Liability Company (LLC)

An easy, flexible, and popular way to set up your business.


[Learn more](#)



Corporation (Inc.)

Form an S Corp or C Corp quickly and easily.


[Learn more](#)



Nonprofit

Start a nonprofit to support a worthwhile cause.


[Learn more](#)



Sole Proprietorship

Understand the pros and cons of being a sole proprietor, and some of the tools you may need.


[Learn more](#)



Doing Business As (DBA)

Bring your business to life with a DBA.

[Learn more](#)



Employer Identification Number (EIN)

The easy way to get your EIN.

[Learn more](#)

[View all business formation services](#)


https://www.legalzoom.com/business/business-formation/index.html 08/14/2018 12:21:07 PM

Not sure which business structure is right for you? Our comparison chart can help you decide. [Compare business types](#)

More ways we can help you start your business

Naming your business DBA / business names Entity name availability check Entity name reservation Trademark search Trademark a business name	Tax, licenses, and permits Federal tax ID (EIN) State tax ID 501(c)(3) application Business licenses Seller's permit	Additional business services Corporate supplies Certified copies Certificates of good standing Registered agent services Legal forms and agreements Franchise disclosure review PRO Legal document review PRO Office action response PRO Website terms & conditions PRO Business Advisory legal plan
---	--	---

Help me choose
[Compare business types](#)



Schedule a consultation

Members of our Business Advisory legal plan can set up attorney consultations to learn more about how to set up and run a business. Regular attorney consultations last 30 minutes and the annual legal checkup lasts 1 hour. Each legal matter must be unique. If you're not a member, sign up today.

[Schedule my Consultation](#)

Business types at a glance

[View a detailed comparison of LLC and Corporation](#)

Sole Proprietorship	LLC	Corporation	Nonprofit
✓ Business licenses may be required (varies by city or county).	✓ Business licenses may be required (varies by city or county).	✓ Business licenses may be required (varies by city or county).	✓ Business licenses may be required (varies by city or county).

<ul style="list-style-type: none"> ✗ Filing with the state is required to form the business. ✗ Can have more than one owner/partner/director. ✗ Offers some protection of personal liability if the entity is sued. ✗ Additional tax filings required (other than personal return). ✗ Eligible for income tax exemptions and donor contributions may be tax deductible. <p>Get started</p>	<ul style="list-style-type: none"> ✓ Filing with the state is required to form the business. ✓ Can have more than one owner/partner/director. ✓ Offers some protection of personal liability if the entity is sued. ✓ Additional tax filings required (other than personal return). ✗ Eligible for income tax exemptions and donor contributions may be tax deductible. <p>Get started</p>	<ul style="list-style-type: none"> ✓ Filing with the state is required to form the business. ✓ Can have more than one owner/partner/director. ✓ Offers some protection of personal liability if the entity is sued. ✓ Additional tax filings required (other than personal return). ✗ Eligible for income tax exemptions and donor contributions may be tax deductible. <p>Get started</p>	<ul style="list-style-type: none"> ✓ Filing with the state is required to form the business. ✓ Can have more than one owner/partner/director*. ✓ Offers some protection of personal liability if the entity is sued. ✓ Additional tax filings required (other than personal return). ✓ Eligible for income tax exemptions and donor contributions may be tax deductible. <p>Get started</p>
---	---	---	--

Ask away. We have answers.

Common questions

- What is a limited liability company?
- How does a corporation protect my personal assets?
- What is the difference between a C corporation and an S corporation?
- Do I need a name or DBA for my business?
- Do I need any other licenses or permits to start my business?

A specialist is here to help



(844) 203-8560

We're available **Mon-Fri 5am-7pm PT,**
Weekends 7am-4pm PT

Our agents are based in the United States.

Speak with an attorney



Get legal advice from an independent attorney at a price you can afford.

[Find out more](#)

Helpful information

[An introduction to limited liability companies](#)

What is a limited liability company (LLC)? What function does it serve? And is it right for your needs? [Read full article](#)

[An introduction to corporations](#)

It's no coincidence that the largest businesses in the world are corporations. Incorporating offers many advantages over partnerships, sole proprietorships, and LLCs. [Read full article](#)

[The advantages and disadvantages of an LLC](#)

Before forming a limited liability company, the prospective business owner should become familiar with how an LLC compares to other business entities. [Read full article](#)

[Reasons to Form a Nonprofit Corporation](#)

State-recognized nonprofits are eligible to receive private and public grants, exemption from sales and property tax, and more. [Read full article](#)

Start a Business with LegalZoom – Form an LLC, Corporation, Partnership, or Sole Proprietorship

Choosing a **business structure** is an important step in **starting a business** because it determines how your business will operate as well as how it will be taxed. Whether you choose a **limited liability company (LLC), corporation, sole proprietorship, or partnership** LegalZoom can help you get started. LegalZoom makes it possible to **form an LLC, corporation, nonprofit, sole proprietorship, limited partnership, or limited liability partnership** online quickly and easily. The process begins with answering a few questions about your **new business**. LegalZoom will create your **business entity** documents and file them with the appropriate state agency, and you'll receive your completed package by mail. LegalZoom helps with the administrative aspects of **business formation** allowing you to focus on the details of your business that matter to you the most. Whether you're interested in forming an **online business** or a brick and mortar business, LegalZoom has the resources you need for **starting a small business**.

**A nonprofit corporation doesn't have an owner, stock, or membership interest, but it can have multiple managers and members.*

Get helpful tips and info from our newsletter!

your email address

view our current issue...

COMPANY

- About
- Contact
- Careers
- Press
- Affiliates
- Blog

SUPPORT

- Order Status
- Customer Care
- Speak with an Attorney
- Join our Attorney Network
- See all services

LEARN MORE

- Knowledge Center
- Legal Help Articles
- Business Resources
- Additional Resources
- Legal Forms
- LifePlan



An offer of membership in our legal plan is not an endorsement or advertisement for any individual attorney. The legal plan is available in most states.

© LegalZoom.com, Inc. All rights reserved.

Disclaimer: Communications between you and LegalZoom are protected by our Privacy Policy but not by the attorney-client privilege or as work product. LegalZoom provides access to independent attorneys and self-help services at your specific direction. We are not a law firm or a substitute for an attorney or law firm. We cannot provide any kind of advice, explanation, opinion, or recommendation about possible legal rights, remedies, defenses, options, selection of forms or strategies. Your access to the website is subject to our Terms of Use.

[View Site Directory](#)




powered by digicert

ABOUT SSL CERTIFICATES



BBB Rating: A+


https://www.legalshield.com/law-firms 08/14/2018 12:21:54 PM

LegalShield Law Firms 

LAW FIRMS


Meet your law firm


Have a legal question? We're here for you. Check out our nationwide network of dedicated law firms with experienced lawyers.

 ASK ERIN

Find Your Firm

CHOOSE YOUR LOCATION

ZIP CODE 

 ASK ERIN

https://www.legalshield.com/law-firms 08/14/2018 12:21:54 PM

Personal Plan

Get coverage for you and those most important to you in case of an emergency or a life event.

[VIEW PLANS →](#)

Small Business

Your company deserves support, whether it's a document review or debt collection.

[ASK ERIN](#)

[VIEW PLANS →](#)


[ASK ERIN](#)

[ASK ERIN](#)

[FIND AN ASSOCIATE ▾](#)

[ASK ERIN](#)

https://www.legalshield.com/what-covered-business 08/14/2018 12:22:37 PM


LegalShield Small Business 


[Coverage & Pricing](#) [How It Works](#) [Details](#) [Plan Comparison](#)

SMALL BUSINESS PLANS

Get down to business

Explore our affordable plans designed for ultimate protection. Whether you have 10, 50, or 100 employees, we've got your back.

[COMPARE PLANS](#) 


 **ASK ERIN**

WHAT WE COVER

SMALL BUSINESS


General Consultation

Talk on the phone with your Provider Law Firm about multiple matters.

SMALL BUSINESS 


Designated Consultation

Discuss specific legal issues over the phone, from patents to taxes.

SMALL BUSINESS 

Contract & Document Review

Make sure accurate a clients, employees, and more.

 **ASK ERIN**

https://www.legalshield.com/what-covered-business 08/14/2018 12:22:37 PM

Small Biz 10 (10 or fewer Employees)

\$39.00 /month

Legal consultation on unlimited matters

- ✓ 20 calls or letters per year
- ✓ 5 collection letters per month
- ✓ 20 documents reviewed per year

Certain restrictions apply. See link below for details.

ADD ON GOSMALLBIZ SUPPLEMENT FOR ONLY \$14.95/MONTH EXTRA

[LEARN MORE](#)

JOIN NOW →

PLAN DETAILS →


ASK ERIN

ASK ERIN

ASK ERIN

ASK ERIN

https://www.rocketlawyer.com/find-a-lawyer.rl 08/14/2018 12:24:39 PM

ROCKETLAWYER (877) 881-0947 or  Sign up | Sign in


Personal Business Ask a Lawyer How It Works Pricing For Workplace Search

Meet our lawyers


Our network of Rocket Lawyer attorneys are ready to help. Ask a legal question and we'll connect you with a qualified lawyer.

Choose your issue Please select a state...


[View the lawyers](#)




Robert Chang
Law Office of Robert Chang
San Leandro, CA
Licensed in: CA




Nick Wooldridge
LV Criminal Defense
Las Vegas, NV
Licensed in: NV,NY




Farrah Qazi
Qazi Law Offices
Oak Brook Terrace, IL
Licensed in: IL



David M. Walker, Esq.
Atlanta Business Attorney
Atlanta, GA



Andrew Jacobson
Bay Oak Law APLC
Oakland, CA



Vincent Provenzano
Mancini, Provenzano, &
Futtner LLC

Get legal advice

Real lawyers. Real answers. Right Now.

Ask a lawyer your legal question here.

Characters Remaining: 600

[Get your answer](#)

Get your answer in 3 steps

- 1 Ask your detailed question.
- 2 Get an answer from a lawyer that specializes in your issue.
- 3 Resolve your issue and be on your way

https://www.rocketlawyer.com/running-a-business.rl 08/14/2018 12:25:22 PM

ROCKETLAWYER (877) 881-0947 or  Sign up | Sign in

Personal Business Ask a Lawyer How It Works Pricing For Workplace

Running a Business

The documents and legal help you need to run your business. Hiring, raising money, staying compliant and more.

Characters Remaining: 600

[Ask a lawyer](#)



Kendall Jones, Esq.
Rocket Lawyer On Call Attorney

Essential Documents for Running a Business

Employment Contract Make a hire official	Employment Application Find the right candidate	Meeting Minutes Keep smart records	Non-Disclosure Agreement Protect what's yours
			

https://www.rocketlawyer.com/running-a-business.rl 08/14/2018 12:25:22 PM

30,000 + documents made

20,000 + documents made

15,000 + documents made

12,000 + documents made

ESSENTIAL DOCUMENTS for Running a Business

COMMON QUESTIONS about Running a Business

ESSENTIAL ARTICLES about Running a Business

Common Questions About Running a Business

What counts as a business expense?

One of the perks of running a business is that you can deduct common expenses so long as they qualify. The IRS defines an eligible business expense as ordinary and necessary—essentially, something that’s common in your particular area of business and needed to efficiently do business, such as a truck for a moving company.

Do my business agreements need to be in writing?

Generally speaking, contracts and agreements do not need to be in writing, although there are exceptions. Anything involving transferring land, goods over \$500, or services that could take longer than one year typically need to be in writing. Aside from a legal requirement, having your agreements in writing can help ensure you and your business partners are on the same page and protect your rights if there’s ever a disagreement.

How do I expand my business?

Once you have a handle on everything you may start to look at expanding. There are lots of ways to expand: offering new goods or services, finding new markets, and hiring new employees. After you decide which option fits your business the best it’s important that you have a reasonable [Business Plan](#) in place.

What tax information should I be aware of?


Small business and large multinationals alike have to pay taxes. Property taxes, payroll taxes, and fees for licenses and permits can all come into play when you’re running your business. While you often won’t have a choice of paying taxes choosing to incorporate

RELATED CENTERS

- ▶ [Running an LLC](#)
- ▶ [Get a Registered Agent](#)
- ▶ [Incorporation](#)

Need anything else?

I'm here to help



R

Kit B.
Rocket Lawyer Business Specialist

https://www.rocketlawyer.com/running-a-business.rl 08/14/2018 12:25:22 PM




can give you more option with how to pay them. Visit our [Incorporation page](#) to learn more.

Rocket Lawyer business Specialist
(877) 881-0947

[Back to Top](#)




More Documents for Running a Business

Work with Partners

-  **Joint Venture Agreement**
Start your business relationship off right
-  **Non-Disclosure Agreement**
Protect your confidential information
-  **Mutual Non-Disclosure Agreement**
Protect everyone's trade secrets




[MORE](#)

Hire Employees

-  **Employment Application**
Find the perfect employee
-  **Confidentiality Agreement**
Protect your important information
-  **Employment Contract**
Make your new hire official




[MORE](#)

Start a Partnership

-  **Partnership Worksheet**
Organize your partnership before it starts
-  **Partnership Agreement**
Set your partnership in stone
-  **Limited Partnership Agreement**
Set boundaries in your new business relationship




[MORE](#)

Stay Compliant

-  **Corporate Bylaws**
Set out how your corporation will be run
-  **Corporate Minutes**
Memorialize your important meetings
-  **Corporate Records**
Keep your internal files up to date




[MORE](#)

Raise Money

-  **Offering Memorandum**
Attract investors
-  **Business Proposal**
Show why someone should invest
-  **Business Plan**
Put your winning strategy in writing

[MORE](#)

Selling a Business


-  **Business Sale Agreement**
Sell your business or purchase someone else's
-  **Buy-Sell Agreement**
Create a "business prenup"
-  **Property Sale Agreement**
Liquidate your product, assets, and more


[MORE](#)


https://www.rocketlawyer.com/running-a-business.rl 08/14/2018 12:25:22 PM

MORE ▾ MORE ▾ [Back to Top](#)


Learn More About Running a Business

 **How to Get Small Business Funding**

 **Working with Partners at Your Small Business**

 **What is DBA or "Doing Business As"?**

[See all business articles >>](#)

THE WALL STREET JOURNAL. *The Atlantic*  **Forbes**.com **TC**

Rocket Lawyer

- Home
- Legal documents & forms
- Legal help center
- Ask a lawyer
- How it works
- For workplace
- For developers
- Pricing
- Mobile apps
- Site map

More legal resources

- Lawyer directory
- Legal help articles
- Legal dictionary
- Everyday law blog




For Attorneys

- Get matched with clients

Connect with us

- About us
- Careers
- Contact us
- Partner with us
- Newsroom


Follow us:


  



Assistance



[CHAT WITH US](#)

(877) 881-0947
Call us Monday-Friday 6am-6pm PT


 **Download on the App Store**

 **GET IT ON Google Play**

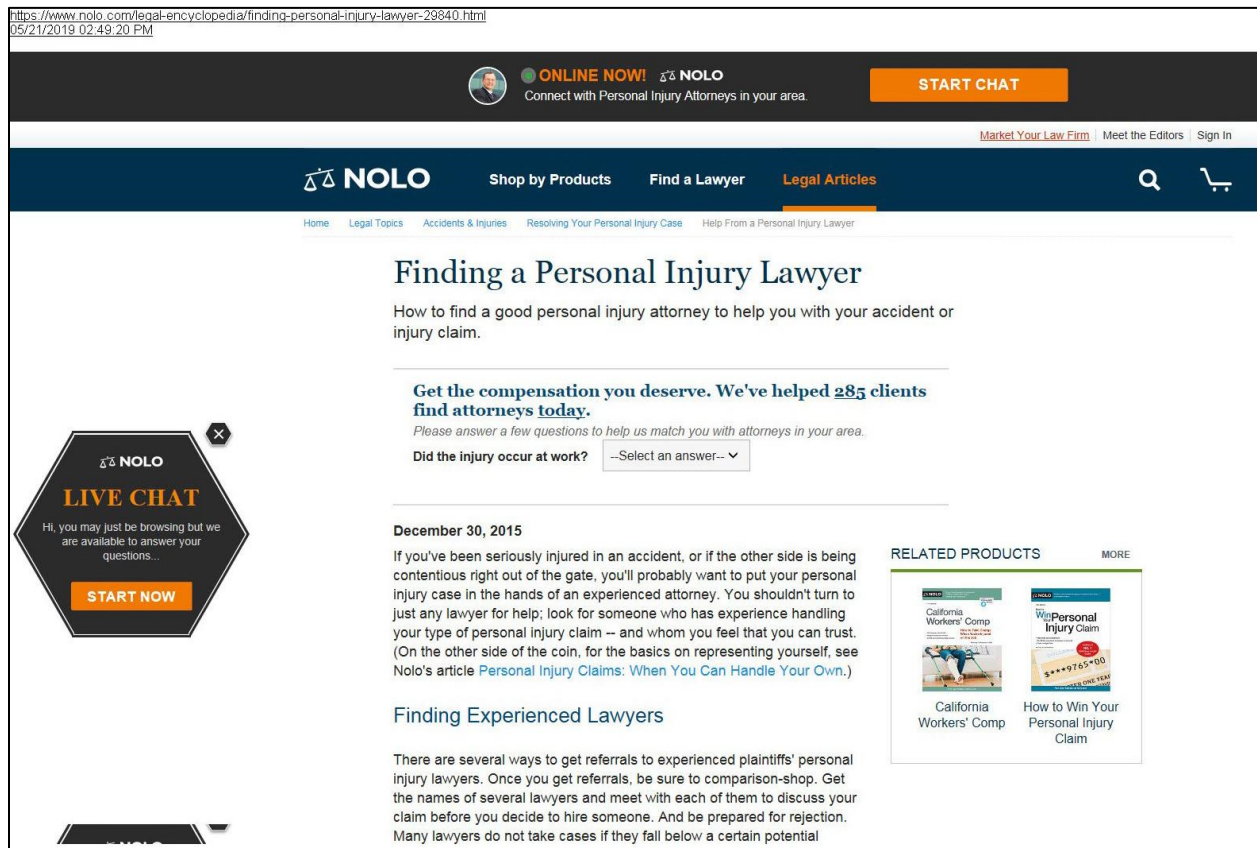
Rocket Lawyer UK  **Rocket Lawyer ES** 

Rocket Lawyer FR  **Rocket Lawyer NL** 

Copyright 2018 Rocket Lawyer Incorporated. Rocket Lawyer provides information and software only. Rocket Lawyer is not a "lawyer referral service" and does not provide legal advice or participate in any legal representation. Rocket Lawyer is not a law firm or a substitute for an attorney or law firm. Use of Rocket Lawyer is subject to our [Terms of Service](#) and [Privacy Policy](#).



With the May 21, 2019 Office Action, the Examining Attorney supplemented the record with excerpts from the NOLO website:¹⁵



¹⁵ May 21, 2019 Office Action, pp. 9-18.

https://www.nolo.com/legal-encyclopedia/finding-personal-injury-lawyer-29840.html
05/21/2019 02:49:20 PM



NOLO
LIVE CHAT
Hi, you may just be browsing but we are available to answer your questions...
START NOW



NOLO
LIVE CHAT
Hi, you may just be browsing but we are available to answer your questions...
START NOW



NOLO

many lawyers do not take cases if they fall below a certain potential recovery amount, or if the claim is not crystal clear.

Here's where to look for referrals:

Friends and Acquaintances

Talk with friends or coworkers who have been represented by a lawyer in their own personal injury claims. If the friend or coworker says good things to you about a lawyer, put the lawyer on your list of people to consult. But do not make a decision about a lawyer solely on the basis of someone else's recommendation. Different people will have different responses to a lawyer's style and personality; don't make up your mind about hiring a lawyer until you've met the lawyer, discussed your case, and decided that you feel comfortable working with him or her.

Nolo's Lawyer Directory

Nolo offers two ways to find an attorney. You can use the "Talk to a Personal Injury Lawyer" tool at the bottom of this article to quickly enter in the details of your case and have local personal injury lawyers contact you.

Nolo also offers a unique [lawyer directory](#) that provides a comprehensive profile for each attorney with information that will help you select the right attorney. The profiles tell you about the lawyer's experience, education, and fees, and perhaps most importantly, the lawyer's general philosophy of practicing law. Nolo has confirmed that every listed attorney has a valid license and is in good standing with their bar association.

Other Lawyers

Another place to seek a referral to an experienced personal injury lawyer is through other lawyers you know. Lawyers commonly refer cases to one another, and most lawyers will know someone else who handles plaintiffs' personal injury cases. As with referrals from friends or coworkers, however, do not simply take another lawyer's referral as the final word.

Referral Services

Most local bar associations have referral services in which the names of lawyers are available, arranged by legal specialty. There is a wide variation in the quality of lawyer referral services, however, even though they are supposed to be approved by the state bar association. Some lawyer referral services carefully screen attorneys and list only those attorneys with particular qualifications and a certain amount of past experience, while other services will list any attorney in good standing with the state bar who maintains liability insurance. Before you choose a lawyer referral service, ask what its qualifications are for including an attorney and how carefully lawyers are screened.

What you may not get from any lawyer referral service, however, is insight into the lawyer's philosophy -- for instance, whether the lawyer is willing to spend a few hours to be your local coach or how aggressive the

Featured Personal Injury Law Firms In Alexandria, VA [CHANGE LOCATION](#)

https://www.nolo.com/legal-encyclopedia/finding-personal-injury-lawyer-29840.html
05/21/2019 02:49:20 PM

LIVE CHAT
Hi, you may just be browsing but we are available to answer your questions...

START NOW

NOLO
LIVE CHAT
Hi, you may just be browsing but we are available to answer your questions...

START NOW

NOLO
LIVE CHAT

willing to spend a few hours to be your legal **coach** or how aggressive the lawyer's personality is. Don't make a decision about a bar referral lawyer until you have met and interviewed him or her.

Choosing the Best Lawyer for You

To find out whether a lawyer is right for you, sit down with the lawyer to discuss your claim and possible ways of handling it. Bring copies of all your documents: police report, medical records and bills, income loss information, and all correspondence with the insurance company. Most lawyers do not charge anything for an initial consultation. But before you meet with a lawyer, find out whether he or she will charge you for the first interview. If the lawyer wants to charge you just for discussing whether or not to take your case, go somewhere else.

General Experience

After you tell the lawyer generally what your case is about, there are a few basic things you'll want to find out from the lawyer:

- How long has the lawyer been in practice?
- Roughly what percentage of the lawyer's practice involves personal injury cases?
- Does the lawyer most often represent plaintiffs or defendants? You do not want to be represented by someone who has experience with personal injury cases but who has primarily been a lawyer for defendants. Their way of thinking may be too closely tied to the attitudes of insurance companies and they might not fight as hard -- consciously or unconsciously -- for your claim.
- Would the lawyer personally handle your case or pass it along to another -- perhaps less experienced -- lawyer in the office? It's normal for more than one attorney in an office to work on the same case, and to have less experienced attorneys handle routine tasks. Find out which lawyer would have responsibility for the case and which lawyer you would be dealing with directly. If there is to be another lawyer directly involved, ask to meet that lawyer, too.

Settlement Goal

After you have discussed the facts of your case and the history of your negotiations with the insurance company, you may be able to get some sense from the lawyer about how much he or she thinks your case is worth, and how difficult it may be to get the insurance company to pay that amount. This is when you should let the lawyer know which of the following you want him or her to do for you:

- Obtain a certain settlement amount for you with as few costs and as little hassle as

Curcio Law
★★★★★ 4.9/5.0 50%
703-595-4465 CONTACT

Law Office of Joseph A. Blaszkow
★★★★★ no peer reviews 100%
571-385-1652 CONTACT

Bailey & Galyen, Attorneys at Law
★★★★★ 4.5/5.0 63%
866-935-7435 CONTACT

CONTACT ALL
[VIEW ALL 38 FIRMS >](#)

https://www.nolo.com/legal-encyclopedia/finding-personal-injury-lawyer-29840.html
05/21/2019 02:49:20 PM

LIVE CHAT
Hi, you may just be browsing but we are available to answer your questions...
START NOW

NOLO
LIVE CHAT
Hi, you may just be browsing but we are available to answer your questions...
START NOW

NOLO
LIVE CHAT

possible.

- Obtain an amount higher than what the insurance company has offered as soon as possible.
- Obtain as much as possible, no matter how long it takes.

If you feel confident with the lawyer's experience, and comfortable with his or her idea of how to proceed with your case, chances are good that you've found a lawyer you can work with.

Information about Paying and Managing Your Lawyer

Once you've found a lawyer that you like, your job isn't entirely done. You'll need to create a clear, written fee agreement and then keep in contact with your lawyer to make sure your case is progressing as it should. For tips on working with the personal injury lawyer you choose, see *How to Win Your Personal Injury Claim*, by Joseph Matthews (Nolo). Also, the eBook *The Lawsuit Survival Guide: A Client's Companion to Litigation*, by Joseph Matthews (Nolo), has detailed information on choosing and working with a lawyer.

RELATED ADS



Legal Information & Books from Nolo

Personal Injury Law

- [Do You Have a Personal Injury Case?](#)
- [Settling Your Personal Injury Case](#)

Popular Books from Nolo



https://store.nolo.com/products/business-suite 05/21/2019 02:49:48 PM

[Grow Your Legal Practice](#) | [Meet the Editors](#) | [Sign In](#) | [Support](#)

NOLO
Shop by Products
Find a Lawyer
Legal Articles

Q
0

Products > Business Suite


Legal Products

- Accidents & Injuries
- Bankruptcy
- Bestsellers
- Bills of Sale
- Business Suite**
 - Business Formation
 - Running Your Business
 - Starting Your Business
- Consumer Protection
- Criminal Law
- Debt & Credit Repair
- Divorce & Child Custody
- Employment/HR
- Family & Parenting
- Free Forms Library
- Frequently Bought Together
- Gig Economy
- Immigration
- Intellectual Property
- Landlord-Tenant
- Legal Research
- Living Together & Marriage
- Nonprofit
- NoloCloud Legal Forms
- Promissory Notes

Business Suite

Nolo has all the products and information you need to start and run your business - from forming an LLC (Limited Liability Company) to managing employees to drafting contracts. We provide expert legal advice in plain English through our books, forms, and other resources to help you at any stage of your business.

Start your LLC with Nolo today.



Search

Featured Products



Nolo's Guide to Single-Member LLCs

Buy Now



Online California LLC

Start Now



Promissory Note

Start Now

Business Suite Products by Category


Business Formation [see all](#)



Form Your Own Limited




Incorporate Your



Nolo's Guide to Single-Member LLCs


https://store.nolo.com/products/business-suite 05/21/2019 02:49:48 PM

- Real Estate
- Small Claims & Lawsuits
- Social Security & Retirement
- Software
- Taxes
- Wills & Trusts




Liability Company

Buy Now



Business

Buy Now




Member LLCs

Buy Now


Running Your Business

[see all](#)




Consultant & Independent Contractor Agreements

Buy Now



Equipment Rental Contract

Start Now




Independent Contractor Agreement for Accountants and Bookkeepers (for Firm)

Start Now


Starting Your Business

[see all](#)




Business Buyout Agreements

Buy Now




Legal Forms for Starting & Running a Small Business

Buy Now



LLC Operating Agreement

Start Now



Company Information

- About Nolo
- Careers
- Press Room
- Blog
- Contact Us
- Customer Service
- Tech Support

Products & Services

- Books & Software
- New Arrivals & Coupons
- Bestsellers
- Legal Updates
- Articles

Lawyer Directory

- Grow Your Practice
- Find a Lawyer
- Lawyers by Location
- Lawyers by Legal Issue
- Tips on Hiring Lawyers

Free Legal Information

- Articles & FAQs
- Legal Updates
- Calculators
- Law Blogs
- Law Dictionary
- Legal Research
- Newest Articles

Sales

- Affiliates
- Library
- Trade

Connect With Us

- Facebook
- Twitter
- Google Plus

Copyright © 2019 MH Sub I, LLC dba Nolo. Self-help services may not be permitted in all states. The information provided on this site is not legal advice, does not constitute a lawyer referral service, and no attorney-client or confidential relationship is or will be formed by use of the site. The attorney listings on this site are paid attorney advertising. In some states, the information on this website may be considered a lawyer referral service. Please reference the Terms of Use and the Supplemental Terms for specific information related to your state. Your use of this website constitutes acceptance of the Terms of Use, Supplemental Terms, Privacy Policy and Cookie Policy.

https://www.nolo.com/legal-encyclopedia/start-own-business-50-things-30077.html
05/21/2019 02:50:06 PM

[Market Your Law Firm](#) | [Meet the Editors](#) | [Sign In](#)

NOLO [Shop by Products](#) [Find a Lawyer](#) [Legal Articles](#) [Search](#) [Cart](#)

[Home](#) [Legal Topics](#) [Business Formation: LLCs & Corporations](#) [Business Name, Location & Licenses](#)

Start Your Own Business: 50 Things You'll Need to Do


From insurance to accounting to taxes, here are the steps to starting a business.

By [Bethany K. Laurence, Attorney](#)

START YOUR LLC TODAY

Save time and money by using Nolo's Online LLC form!

START HERE »



© Nolo

Thinking about starting a business? You're not alone. Every year, thousands of Americans catch the entrepreneurial spirit, launching small businesses to sell their products or services. Some businesses thrive; many fail. The more you know about starting a business, the more power you have to form an organization that develops into a lasting source of income and satisfaction. For help with the beginning stages of operating a business, the following checklist is a great place to start.

Evaluate and Develop Your Business Idea	
Step	Description
1	Determine if the type of business suits you.
2	Use a break-even analysis to determine if your idea can make money.
3	Write a business plan, including a profit/loss forecast and a cash flow analysis.
4	Find sources of start-up financing.
5	Set up a basic marketing plan.

[Resources](#)

[Will My Business Make Money?](#)

[Writing Effective Business Plans](#)

[Business Financing, Loans & Capital](#)

[Marketing & Advertising](#)

[Decide on a Legal Structure for Your Business](#)

<https://www.nolo.com/legal-encyclopedia/start-own-business-50-things-30077.html>
 05/21/2019 02:50:06 PM

Decide on a Legal Structure for Your Business

6	Identify the number of owners of your business.	Partnership Information
7	Decide how much protection from personal liability you'll need, which depends on your business's risks.	What are the risks of starting my own business?
8	Decide how you'd like the business to be taxed.	Business Tax Information
9	Consider whether your business would benefit from being able to sell stock.	Incorporate Your Business
10	Research the various types of ownership structures.	Sole Proprietorship LLC C Corporation S Corporation
11	Get more in-depth information from a self-help resource before you settle on a structure. If you are unsure, talk to a lawyer.	Nolo Store Talk to a Lawyer

Choose a Name for Your Business

12	Think of several business names that might suit your company and its products or services.	Your Business Name
13	If you will do business online, check if your proposed business names are available as domain names.	Choose and Register a Domain Name
14	Check with your county clerk's office to see whether your proposed names are on the list of fictitious or assumed business names in your county.	Your Business Name
15	For corporations and LLCs: check the availability of your proposed names with the Secretary of State or other corporate filing office.	Register Your Business Name
16	Do a federal or state trademark search of the proposed names still on your list. If a proposed name is being used as a trademark, eliminate it if your use of the name would confuse customers or if the name is already famous.	How to Do a Trademark Search
17	Choose between the proposed names that are still on your list.	Choosing a Business Name FAQ

Register Your Business Name

18	Register your business name with your county clerk as a fictitious or assumed business name, if necessary.	Register Your Business Name
19	Register your business name as a federal or state trademark if you'll do business regionally or nationally and will use your business name to identify a product or service.	File a Federal Trademark Application


<https://www.nolo.com/legal-encyclopedia/start-own-business-50-things-30077.html>
05/21/2019 02:50:06 PM

20	Register your business name as a domain name if you'll use the name as a Web address too.	Choose and Register a Business Name
Prepare Organizational Paperwork		
21	Partnership	Partnership Agreement Buyout agreement (also known as a buy-sell agreement)
22	LLC	Business Buyout Agreement (also known as a buy-sell agreement)
23	C Corporation	Pre-Incorporation Agreement Incorporate Your Business Amend Corporate Articles & Bylaws Business Buyout Agreements (also known as a buy-sell agreement or stock agreement)
24	S Corporation	Incorporate Your Business Amend Corporate Articles & Bylaws Business Buyout Agreements (also known as a buy-sell agreement or stock agreement) S Corporations


RELATED PRODUCTS MORE

Find a Business Location


Step	Description	Resource
25	Identify the features and fixtures your business will need.	Your Business Space & Commercial Lease.
26	Determine how much rent you can afford.	Tips for Assessing the Cost of the Commercial Rental.
27	Decide what neighborhood would be best for your business and find out what the average rents are in those neighborhoods.	Determine the Space Your Business Needs.
28	Make sure any space you're considering is or can be properly zoned for your business. (If working from home, make sure your business activities won't violate any zoning restrictions on home offices.)	Home Businesses and Zoning Laws
<i>Before signing a commercial lease</i>		




[Form Your Own Limited Liability Company](#)



[Nolo's Guide to Single-Member LLCs](#)



[Online California Corporation](#)




[Online Texas Corporation](#)


https://www.nolo.com/legal-encyclopedia/start-own-business-50-things-30077.html
05/21/2019 02:50:06 PM

29	Before signing a commercial lease, examine it carefully and negotiate the best deal.	Commercial Leases: Negotiate the Best Terms
File for License and Permits		
30	Obtain a federal employment identification number by filing IRS Form SS-4 (unless you are a sole proprietorship or single-member limited liability company without employees).	Licenses & Permits for Your Business
31	Obtain a seller's permit from your state if you will sell retail goods.	State Start-Up Requirements for Small Businesses
32	Obtain state licenses, such as specialized vocation-related licenses or environmental permits, if necessary.	
33	Obtain a local tax registration certificate, a.k.a. business license.	Local Start-Up Requirements for Small Businesses
34	Obtain local permits, if required, such as a conditional use permit or zoning variance.	
Obtain Insurance		
35	Determine what business property requires coverage.	
36	Contact an insurance agent or broker to answer questions and give you policy quotes.	
37	Obtain liability insurance on vehicles used in your business, including personal cars of employees used for business.	
38	Obtain liability insurance for your premises if customers or clients will be visiting.	
39	Obtain product liability insurance if you will manufacture hazardous products.	
40	If you will be working from your home, make sure your homeowner's insurance covers damage to or theft of your business assets as well as liability for business-related injuries.	


Featured Business Law Law Firms In Alexandria, VA [CHANGE LOCATION](#)



General Counsel, P.C.
★★★★★ 4.7/5.0 👍 100%
 888-868-6502 [CONTACT](#)



Damiani & Damiani, P.C.
★★★★★ 4.9/5.0 👍 n/a
 View Phone # [CONTACT](#)



IP Law Leaders PLLC
★★★★★ 5.0/5.0 👍 100%
 800-539-1398 [CONTACT](#)

[CONTACT ALL](#)

[VIEW ALL 68 FIRMS >](#)

RELATED ADS

<https://www.nolo.com/legal-encyclopedia/start-own-business-50-things-30077.html>
05/21/2019 02:50:06 PM

41	Consider health & disability insurance for yourself and your employees.	The Employer's Legal Handbook
Set Up Your Books		
42	Decide whether to use the cash or accrual system of accounting.	Cash vs. Accrual Accounting
43	Choose a fiscal year if your natural business cycle does not follow the calendar year (if your business qualifies).	
44	Set up a recordkeeping system for all payments to and from your business.	Bookkeeping and Accounting Basics
45	Consider hiring a bookkeeper or accountant to help you get set up.	
46	Purchase small business accounting software	
Set Up Tax Reporting		
47	Familiarize yourself with the general tax scheme for your business structure.	Tax Savvy for Small Business
48	Familiarize yourself with common business deductions and depreciation.	Deduct It! Lower Your Small Business Taxes
49	Obtain IRS Publications 334, <i>Tax Guide for Small Business</i> , and 583, <i>Taxpayers Starting a Business</i> .	Small Business Tax FAQ
50	Obtain the IRS's <i>Tax Calendar for Small Businesses</i> .	IRS's Tax Calendar

More Information



As you can see, starting a business involves making quite a few initial decisions and getting policies and paperwork in place. For more information about and help with starting a business, consult the following Nolo resources:

- [Online LLC](#)
- [Online Corporation](#)
- *Legal Forms for Starting & Running a Business*, by Fred S. Steingold
- *The Small Business Start-Up Kit: A Step-by-Step Legal Guide*, by Peri H. Pakroo
- *How to Write a Business Plan*, by Mike McKeever
- *Quicken Legal Business Pro* (software)

On November 7, 2019, the Examining Attorney supplemented the record by providing additional excerpts from the LegalShield and LegalZoom websites:



The screenshot shows a web browser window displaying the LegalShield website. At the top, the time is 11:09:16 AM on 11/6/2019, and the URL is https://www.legalshield.com/faq/provider-law-firm. The page header includes navigation links for 'Learn About Becoming An Associate', 'HR Professionals', 'Upgrade Your Coverage', and 'Log In'. The main navigation menu features 'LegalShield' and categories like 'Why LegalShield', 'Personal', 'Business', 'Law Firms', and 'Legal Guides'. A search bar and a 'GET A PLAN' button are also visible. The main content area has a large heading 'What is a Provider Law Firm?' followed by a paragraph explaining that LegalShield has dedicated law firms with 1,900 attorneys in 50 states and four provinces in Canada, plus 5,000 referral attorneys. Below this is a red bar with the text 'FIND AN ASSOCIATE'. The footer contains social media links, a 'FOLLOW US ON' section, a 'SWITCH TO: LEGALSHIELD CANADA' button with a McAfee SECURE logo, and a disclaimer: 'This website gives a general overview of legal plan coverage. The benefits and prices described are not available in all states and Canadian provinces. Set specific details on terms, coverage, pricing, conditions and exclusions in the Personal Legal Plans section of this website. LegalShield provides access to legal services offered by a network of provider law firms to LegalShield members and their covered family members through membership based participation. Neither LegalShield nor its officers, employees or sales associates directly or indirectly provide legal services, representation or advice. Case studies are actual LegalShield member experiences. Names and identities have been changed for attorney-client privilege requirements. For statistics on actual earnings please review the Income Disclosure Statement here.' The footer also includes copyright information for LegalShield 2018 and links to 'Terms of Service', 'Privacy Policy', 'Code of Ethics', and 'LegalShield SOC 3'. There are also logos for BBB ACCREDITED BUSINESS and AICPA SOC 3.

We offer two types of legal plans for our customers.

Business Advantage Pro	Legal Advantage Plus
	
<p>For small businesses</p> <p>Business owners or those looking to start a business can ask business legal questions, get contracts reviewed, request custom-drafted documents at simple flat fees and more.</p> <p>Learn more about this plan</p>	<p>For individuals</p> <p>Individuals can ask personal legal questions, get advice for specific situations, have estate planning documents reviewed by an attorney and more.</p> <p>Learn more about this plan</p>

The Attorneys

Our plans are serviced by independent attorneys licensed in their respective states.

 <p>Plan Attorneys</p> <p>Customers request consultations and get connected with a Plan attorney licensed to practice in their state.</p> <ul style="list-style-type: none"> • Diversify your practice with Legal Plan consultations • Flexible to your schedule • Help real people and make a real difference 	 <p>Local Attorney Directory</p> <p>Our Local Attorney Directory is an internal tool for Plan attorneys to refer people to attorneys in their state. It's the easiest way to refer our customers when they have a legal need that falls outside the scope of our plans.</p> <p>It is completely free to join the directory.</p> <p>The only requirement is that LegalZoom customers referred through the directory receive a 25% discount off the attorney's regular reasonable rate (excluding matters taken on a contingency basis or set by statute).</p>
--	--

Apply now

<p>I'm interested in...</p> <p>Legal Plan Network Local Attorney Directory</p> <p>Your name</p> <input type="text"/> <p>Email address</p> <input type="text"/> <p>Phone Number</p> <input type="text"/> <p>State you practice law (select up to 3)</p> <p>AL-Alabama AK-Alaska AZ-Arizona AR-Arkansas</p>	<p>Eligibility requirements</p> <p>Please note, you must meet the following requirements.</p> <ul style="list-style-type: none"> • 5+ years practicing law • Active and in good standing • No public record of discipline with your state's regulatory agency • Maintain errors and omissions insurance with a \$100,000 minimum per occurrence and a total of \$300,000
<p>Areas of expertise (select up to 3)</p> <p>Intellectual Property International Law Immigration Personal Injury Probate / Trust Administration</p> <p style="text-align: center;">Submit</p>	

11:03:00 AM 11/6/2019
https://www.legalzoom.com/attorneys/state/florida/practice-areas/personal-injury

legalzoom OUR SERVICES ATTORNEY ADVICE WHY US MY ACCOUNT HELP


Home | Legal Plans | Attorney Directory | Florida & Personal Injury

Florida Personal Injury Attorneys


You can read about attorneys who specialize in this state's laws and also narrow it down by practice area. Friendly reminder—you'll want to select an attorney that is in the state where your legal matter exists, which might not be where you currently live.

Florida Personal Injury **SEARCH**


Meet Personal Injury attorneys in Florida



Christopher M. Brown
★★★★★ 929 reviews




Brittney L. Bush
★★★★★ 146 reviews




Trimeshia L. Smiley
★★★★★ 135 reviews


Practice Areas




Estate Planning



Family & Personal



Business



Intellectual Property

Attorneys by State

Alabama	Alaska	Arizona	Arkansas	California	Colorado
Connecticut	Delaware	District of Columbia	Florida	Georgia	Hawaii
Idaho	Illinois	Indiana	Iowa	Kansas	Kentucky

These third-party websites constitute substantial evidence that it is not uncommon for the same entities to provide under the same brand name both Applicant's "Lawyer referral services provided to consumers who seek to retain an attorney to represent them in personal injury matters" as well as Registrant's "business advice, inquiries and information services." According to the excerpts from LegalZoom and NOLO, both entities offer legal referral services in the precise field specified by Applicant, personal injury matters. RocketLawyer and LegalShield show the provision of legal referral services in all practice areas, which we can presume would include personal injury matters. *Cf. In re Country Oven, Inc.*, 2019 USPQ2d 443903, *5-6 (TTAB 2019) (the terms "bakery goods" and "bakery products" in third-party registrations were sufficiently broad to encompass "bread buns."). Each website also shows the provision of business advice or information. For example, LegalZoom advises clients on how to select a name for a business and obtaining Employer Identification Numbers for tax purposes; RocketLawyer provides advice and information on raising capital for small businesses; LegalShield advises businesses on debt collection; and NOLO provides advice on how to select a business location, set up accounting books and maintain tax records. Such services fall within the realm of non-legal business information or advice. For this reason, Applicant's restriction to its identification of services to expressly exclude Registrant's services is of no matter because the services are nevertheless related. And contrary to Applicant's assertions, the fact that Applicant's underlying legal services and Registrant's business information services fall in two different classes or does not render them per se

unrelated. “Classification is solely for the ‘convenience of Patent and Trademark Office administration,’ 15 U.S.C. § 1112, and ‘is wholly irrelevant to the issue of registrability under section 1052(d), which makes no reference to classification[.]’” *Detroit Athletic Co.*, 128 USPQ2d at 1051 (quoting *Jean Patou Inc. v. Theon Inc.*, 9 F.3d 971, 29 USPQ2d 1771, 1774 (Fed. Cir. 1993)). In any event, Applicant is seeking to register “lawyer referral services” not legal services.

Applicant points to the lack of third-party registration evidence. However, as noted above, the Examining Attorney is not limited to this particular type of evidence and may rely on evidence from third-party websites to demonstrate that services are related. *See, e.g., Country Oven, Inc.*, 2019 USPQ2d 443903 at *5-6 (evidence of relatedness included third-party websites showing bakeries offering under the same mark retail bakery shop services and bakery products in their retail bakery shops). The aforementioned evidence is from companies specializing in legal referrals and the provision of business information and advice marketed via their own direct-to-consumer sales websites. This targeted type of marketing involves a niche industry making it narrower in scope, and as such is entitled to a relatively high degree of probative weight. *In re Ox Paperboard, LLC*, 2020 USPQ2d 10878, *6(TTAB 2020).

The question is not whether the services will be confused with each other; rather, the question is whether there is likely confusion as to source. Accordingly, the second *DuPont* factor also weighs in favor of finding a likelihood of confusion.¹⁶

¹⁶ Much of the other evidence the Examining Attorney relies upon to show that the services are related consists of excerpts from the websites of various state and county bar associations throughout the country. *See, e.g.*, website excerpts from the Alameda County Bar Association, Alaska Bar Association and Allegheny County Bar Association submitted with November 29,

D. The Channels of Trade and Classes of Purchasers

We now consider the established, likely-to-continue channels of trade. Because the identifications in the application and cited registration have no restrictions on channels of trade, we must presume that the services travel in all channels of trade appropriate for such services, which as the record summarized above shows consists of entities specializing in legal referrals and business information and advice offered via their own direct-to-consumer websites. *See, e.g., Detroit Athletic Co.*, 128 USPQ2d at 1052 (“[T]he registration does not set forth any restrictions on use and therefore cannot be narrowed by testimony that the applicant’s use is, in fact, restricted to a particular class of purchasers”) (citation omitted); *Citigroup v. Capital City Bank Grp.*, 98 USPQ2d at 1261 (“Because the parties’ trade channels and classes of consumers are unrestricted, the third and fourth *DuPont* factors also favor Citigroup.”). We can also glean from the evidence summarized above that the class of consumers includes businesses seeking business information as well as legal referrals regarding personal injury matters because businesses may be sued by customers or employees for personal injuries. This *DuPont* factor also favors a finding of likelihood of confusion.

E. Applicant’s Intent

The thirteenth and final *DuPont* factor pertains to “any other established fact

2019 Office Action, pp. 6-15. We agree with Applicant’s criticism that the evidence fails to show a relationship between the identified services since the services pertaining to businesses are strictly legal in nature. In other words, we think that there is a distinction between business legal advice and the International Class 35 services of “business advice, inquiries or information.” For this reason, the Board has not relied on any of this evidence to find that Applicant’s and Registrant’s services are related.

probative of the effect of use.” *DuPont*, 177 USPQ at 567, such as an applicant’s intent. Applicant, without pointing to any evidence, argues that he adopted the ASK JIM FIRST mark without any predatory intent, and did not adopt it to trade on anyone’s reputation, including that of the owner of the cited registration.

Issues regarding an applicant’s intent generally are not suited to disposition in an ex parte appeal. That being said, even if we were to consider Applicant’s assertions, good faith adoption of a mark that is similar to a prior registered mark, for use on the same or similar services, cannot overcome the presumption of validity that inheres in the prior registered mark. 15 U.S.C. § 1057(b). *See Miles Labs. Inc. v. Naturally Vitamin Supplements Inc.*, 1 USPQ2d 1445, 1455 (TTAB 1986) (“[A]pplicant is not in any case absolved from the duty imposed by our trademark law on all late-comers to select marks for their new products that are sufficiently distinguishable from marks in respect of which others have federally recorded superior rights to prevent confusion.”). Thus, “[w]hile evidence of bad faith adoption typically will weigh against an applicant, good faith adoption typically does not aid an applicant attempting to establish no likelihood of confusion.” *Apple Comput. v. TVNET.net Inc.*, 90 USPQ2d 1393, 1398 n.7 (TTAB 2007) (citing *J & J Snack Foods Corp. v. McDonald’s Corp.*, 932 F.2d 1460, 18 USPQ2d 1889, 1891 (Fed. Cir. 1991)).

We therefore deem this factor neutral.

F. Balancing the Factors

We have carefully considered all of the evidence made of record, as well as all of the arguments related thereto. With highly similar marks and related services

marketed in the same trade channels to the same category of consumers, this lead us to the conclusion that prospective consumers are likely to confuse the source of the involved services. This is not a situation, as Applicant urges, where the services are so different as to obviate a likelihood of confusion.

Decision: The Section 2(d) refusal is affirmed.