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

In the matter of trademark application Serial No. 76/165866
For the mark: INVESCORT
Published in the Official Gazette on: 10/02/01



11-29-2001

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #01

Investcorp, S.A. and
Investcorp International Inc., Opposers,)
)
v.)
)
Invescort, LLP, Applicant.)

Opposition No. _____

NOTICE OF OPPOSITION

CERTIFICATE OF MAILING 37 CFR 1.8

I hereby certify that this document and any documents indicated as being enclosed therein are being deposited with the United States Postal Service as first class mail postage paid in an envelope addressed to Box TTAB FEE, Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513.

on: Nov. 29, 2001

By: Hill B. Wellford, III
Name: Hill B. Wellford, III

Box TTAB – FEE
Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513

Investcorp, S.A., a Luxembourg corporation ("Investcorp, S.A."), with a principal address of 37 Rue Notre Dame, Luxembourg, and Investcorp International Inc., a Delaware corporation ("Investcorp International"), with a principal address of 280 Park Avenue, New York, New York (collectively, "Opposers"), believe that they will be damaged by the registration of the mark shown in the above-identified application, and they hereby oppose the same. The grounds for opposition are as follows:

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1. The Applicant has applied to register the term INVESCORT ("Applicant's Mark"), for "Financial services, namely in the area of on-line and offline securities brokerage," referred to herein as the "Services," in International Class 036.

2. Opposer Investcorp, S.A. holds a federal registration for the mark INVESTCORP, United States Registration No. 1,731,553, and Opposer Investcorp International holds a license for the use of that mark in the United States ("Opposers' Mark"). The Opposers' Mark is registered for "Investment banking services," in International Class 036.

3. Opposers' registration is valid, subsisting and uncancelled.

4. Opposers' registration is prima facie evidence of Opposers' proprietary and exclusive right to use the mark INVESTCORP in connection with the goods/services described therein, pursuant to the provisions of Sections 7 and 33 of the Lanham Act (15 U.S.C. § 1057 and § 1115(a)).

5. Opposers' Mark is a strong and distinctive symbol of the high quality goods and services offered by Opposers.

6. Opposers' Mark is a symbol of Opposers' valuable goodwill and excellent reputation.

7. Applicant could offer its Services to, among others, customers and potential customers in the financial-services business.

8. Applicant's Services are otherwise so related to the goods and services associated with Opposers' Mark such that consumers will incorrectly assume that they emanate from a single source.

9. Opposers will be damaged by Applicant's registration of Applicant's Mark because it so resembles Opposers' Mark as to be likely, when used on or in connection with

Services of the Applicant, to cause confusion, or to cause mistake, or to deceive. Registration of Applicant's Mark should therefore be denied under 15 U.S.C. § 1052(d).

10. Opposers' Mark is a famous mark under 15 U.S.C. § 1125(c). Applicant's use of its Mark will dilute the distinctive quality of the Opposers' Mark. Registration of Applicant's Mark should therefore be denied under 15 U.S.C. § 1125(c).

11. Opposers understand that Applicant has submitted a Request for Withdrawal of Application under 37 C.F.R. § 2.68, to expressly abandon the application for Applicant's Mark. Due to the shortness of time remaining for the filing of an opposition, Opposers have filed this pleading to preserve their rights in the event of any defect in Applicant's Request, and have filed this pleading in as concise a form as possible. In the event, as expected, that Applicant's Request is granted and the application for Applicant's Mark is declared abandoned, Opposers expect this pleading to become moot.

WHEREFORE, Opposers request that this opposition be sustained and that the application be refused.

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Pursuant to 37 C.F.R. § 2.6(a)(17), submitted herewith is Check No. 32765 in the amount of \$600.00 in payment of the requisite fee (\$300.00 per Opposer, per class) for filing this Notice of Opposition against the application. Please charge any additional amounts to the undersigned attorney's deposit account no. 50-0792.

This Notice of Opposition is being submitted in duplicate.

Dated: November 29, 2001.

Respectfully submitted,

INVESTCORP, S.A. and
INVESTCORP INTERNATIONAL INC.

By counsel,



Hill B. Wellford, III
GIBSON, DUNN & CRUTCHER, LLP
Suite 900
1050 Connecticut Avenue NW
Washington, DC 20036-5306

Attorneys for Opposers

Enc. Postcard receipt
Check No. 32765

Ref. No. 03263-00291

CERTIFICATE OF SERVICE

I hereby certify that on this 29th day of November, 2001, a true and correct copy of the foregoing **NOTICE OF OPPOSITION** was placed in the U.S. Mail, first-class, postage pre-paid and addressed to the following:

For: Invescort, LLP
Kevin Rooker
20 Benedek Road
Princeton, NJ 08540-2228


Hill Wellford

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