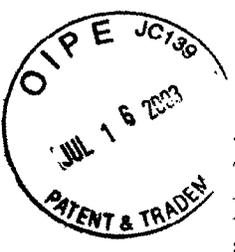


*HAB*

BOX TTAB/FEE

01293.004200

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



07-16-2003  
U.S. Patent & TMO/c/TM Mail Rcpt Dt. #22

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THE DREYFUS CORPORATION, :  
DREYFUS SERVICE CORPORATION :  
and THE DREYFUS FUND :  
INCORPORATED, :  
:  
Opposers, :  
:  
v. :  
:  
HARRIS TRUST AND SAVINGS BANK, :  
:  
:  
Applicant. :  
-----X

Opposition No.

NOTICE OF OPPOSITION

This Notice of Opposition is brought in the matter of pending service mark application Serial No.76/342,334, filed on November 27, 2001, by Harris Trust and Savings Bank (hereinafter "Applicant"), for the registration of the mark HARRIS INSIGHT FUNDS & Lion Image for "financial services, namely, mutual fund investment, brokerage and distribution services" in International Class 36. The application was published in the Official Gazette of March 18, 2003 at TM 506. The Dreyfus Corporation, Dreyfus Service Corporation and The Dreyfus Fund Incorporated (hereinafter collectively "Opposers"), whose principal places of business are 200 Park Avenue, New York, New York 10166, believe they will be damaged by the registration of such mark and hereby oppose the same.

The grounds for opposition are as follows:

1. Applicant has applied to register a service mark (hereinafter sometimes referred to as “Applicant’s Mark”), the design of which consists of a lion image and the term HARRIS INSIGHT FUNDS, that is confusingly similar in appearance to the collection of lion image trademarks and service marks owned and used by Opposers for nearly fifty years to designate the source of their wealth management products and services (hereinafter collectively referred to as Opposers’ “Family of Lion Marks,” as further designated in paragraphs 2 - 7, infra).

2. Opposers comprise one of the oldest investment management companies in the United States. Since 1951, Opposers have been and presently are extensively engaged in, *inter alia*, the offering, advertising and sale of mutual funds throughout the United States. Since 1970, Opposers have been and presently are extensively engaged in the offering, advertising and sale of private investment management services and, since 1996, securities brokerage services, throughout the United States.

3. Since long prior to the date of first use cited in the instant application by Applicant, Opposers have continuously used lion images as the primary source-identifying communication platform for their investment and brokerage services. *See, e.g.*, Exhibit 1. Indeed, Opposers began using their lion imagery in connection with their services at least as early as the 1950s.

4. Opposers have obtained the following United States Service Mark Registrations from the United States Patent and Trademark Office for the use of lion images in connection with financial services:

<b>Reg. No.</b>	<b>Reg. Date</b>	<b>Date of First Use</b>	<b>Services</b>
676,125	3/24/59	3/1/57	financial services, namely, investing the funds of others
712,289	3/7/61	2/20/58	financial services, namely, investing the funds of others
804,414	2/22/66	3/30/58	financial services, namely investing the funds of others
1,880,845	2/28/95	3/29/72	financial services in the field of mutual funds and other investment services
1,851,680	8/30/94	1/1/78	financial and investment services in the field of mutual funds and other investment products
1,864,914	11/29/94	1/1/78	financial and investment services in the field of mutual funds and other investment products
2,584,342	6/25/02	3/97	financial and investment services, namely, mutual fund brokerage, stock, bond and options brokerage, mutual fund management, financial account management, including asset allocation and wrap account management services, financial planning services, and financial consultation services provided to investment professionals
2,584,340	6/25/02	8/98	financial and investment services, namely, mutual fund brokerage, stock, bond and options brokerage, mutual fund management, financial account management, including asset allocation and wrap account management services, financial planning services, and financial consultation services provided to investment professionals

Reg. No.	Reg. Date	Date of First Use	Services
2,584,341	6/25/02	10/98	financial and investment services, namely, mutual fund brokerage, stock, bond and options brokerage, mutual fund management, financial account management, including asset allocation and wrap account management services, financial planning services, and financial consultation services provided to investment professionals
2,596,725	7/23/02	1/1/99	financial and investment services, namely, mutual fund brokerage, stock, bond and options brokerage, mutual fund management, financial account management, including asset allocation and wrap account management services, financial planning services, and financial consultation services provided to investment professionals

Copies of each of the foregoing Certificates of Registration are attached hereto as Exhibit 2. A certified copy of each registration will be made of record during Opposers' Testimony Period.

5. During the time Opposers have used their Family of Lion Marks, they have expended substantially large sums of money to advertise, promote and sell their services under their Family of Lion Marks in television and print advertisements, as well as in connection with various other promotional materials

6. As a result of Opposers' long-term, substantial and widespread use of lion imagery, and as a result of Opposers' success in the financial services field, the image or symbol of a lion in the financial services field is widely recognized by both consumers and the trade as designating Opposers. Services provided in connection with Opposers'

Family of Lion Marks have acquired valuable goodwill, a recognized preeminence, and an excellent reputation in the minds of consumers, financial professionals, investors and potential investors throughout the United States.

7. In addition, as a result of Opposers' extensive sales, advertising and promotion of its mutual fund, investment management, and securities brokerage services under its distinctive lion trademarks, Opposers' Family of Lion Marks has become famous and well-known to both consumers and the trade and has come to identify Opposers as the exclusive sources of the services with which these marks are used.

8. Upon information and belief, the mutual fund & brokerage services offered under Applicant's HARRIS INSIGHT FUNDS & Lion Image mark are offered to the same consumers who are familiar with Opposers' services, and are offered through the same channels of trade.

9. Applicant's use of its HARRIS INSIGHT FUNDS & Lion Image mark for the offering of mutual funds and brokerage services is likely to cause confusion, mistake or deception as to the source or sponsorship of Applicant's services, as well as injury to the business reputation of Opposers, in that the public and the trade are likely to believe that Applicant's services originate or are somehow associated with Opposers.

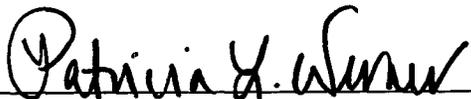
10. In addition, Opposers' Family of Lion Marks are famous and were so at the time Applicant filed its application. Applicant's Mark will cause dilution of the distinctive quality of Opposers' famous Family of Lion Marks.

11. Based on the foregoing, Opposers believe that they will be damaged by the registration of Applicant's Mark.

WHEREFORE, Opposers respectfully request that the registration sought by Applicant be refused and that this Opposition be sustained.

Dated: July 15, 2003

Respectfully submitted,

By: 

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