

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



In the matter of Application Serial No. 78/402,722

Filed on: April 15, 2004

For the Mark: THE STANDARD logo

Published in the Official Gazette on March 15, 2005

TTAB

STANDARD LIFE INVESTMENTS
LIMITED,

Opposer,

v.

STANCORP FINANCIAL
GROUP, INC.

Applicant.

Opposition No.

TRADEMARK TRIAL AND APPEAL BOARD

600 Dulaney Street
Alexandria, VA 22313

NOTICE OF OPPOSITION

1. The above-identified Opposer, STANDARD LIFE INVESTMENTS LIMITED (hereinafter, "Opposer"), is a United Kingdom Limited company with a business address of 30 Lothian Road, Edinburgh, Scotland EH1 2DU, United Kingdom.

2. On information and belief, the above-identified Applicant, STANCORP FINANCIAL GROUP, INC. (hereinafter, "Applicant") is an Oregon corporation having a principal place of business at 1100 SW Sixth Avenue, Portland, Oregon 97204, United States.

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U.S. Patent & TMO/TM Mail Rcpt Dt. #72

Background**A. Opposer's Mark**

3. On October 21, 1998, the Opposer applied for U.S. registration of the mark "STANDARD LIFE INVESTMENT" (hereinafter "Opposer's mark") for "Management services in the fields of capital investments and investment funds" in International Class 36. This Application was assigned U.S. Application Serial No. 75/573,775 (hereinafter the "775 Application"). The '755 Application matured into U.S. Trademark Registration No. 2,632,110 (hereinafter the "Registration") on October 8, 2002.

4. The earliest date of use for the Opposer's mark was November 16, 1998. The date of first use in U.S. Interstate commerce for the Opposer's mark was April 16, 2002. The constructive date of first use of Opposer's mark was October 21, 1998, the filing date of the '775 Application.

B. Applicant's Mark

5. On April 15, 2004, the Applicant filed U.S. Trademark Application Serial No. 78/402,722 (hereinafter the "722 Application") to register the mark THE STANDARD (design) for use in connection with "providing investment and asset management services; underwriting of annuities; investment management of and distribution of annuities; underwriting of insurance, namely, life, accidental death and dismemberment, disability, disability income, long term care, dental and medical; administration of disability and life insurance claims; financial services in the nature of providing funding options for retirement plans, for providing and administering annuities, and for administering retirement plans; insurance administration; insurance brokerage services; insurance consultation; registered investment advisor services providing performance analysis, fund support and model portfolios; investment brokerage services; mortgage lending," in International Class 36.

5. The '722 Application was published for opposition in the Trademark Official Gazette on March 15, 2005.

Grounds For Opposition

6. Opposer is the owner of the STANDARD LIFE INVESTMENTS mark by virtue of its use of the mark in connection with management services in the finance and insurance industries.

7. The STANDARD LIFE INVESTMENTS mark is distinctive and is widely recognized by customers in the financial and insurance services industry as identifying the Opposer's services.

8. Opposer's use of the STANDARD LIFE INVESTMENTS mark within the United States precedes Applicant's use of THE STANDARD mark (design).

9. Applicant's Registration and use of the similar THE STANDARD mark (design) will cause confusion, deception, or a mistake when used in connection with investment and insurance management services. Specifically, Applicant's registration and use of THE STANDARD mark (design) is likely to cause the relevant members of the public seeking services within the financial and insurance industries to believe that Applicant's services are somehow affiliated with, sponsored by, connected with, or approved by Opposer, or that the services offered by Applicant actually originate from Opposer.

10. Opposer will be damaged by Applicant's use of THE STANDARD mark (design) by virtue of such confusion, mistake and/or deception.

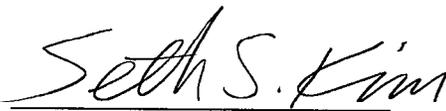
11. By reason of the foregoing, Opposer believes it will be damaged if Applicants obtain a U.S. Federal Registration of THE STANDARD mark (design), and hereby request that registration be refused and that this Opposition be sustained.

I, Seth S. Kim, attorney for Standard Life Investments Limited, states as follows: I am the person authorized to sign for the Opposer named in this opposition; I have read the opposition and know the contents; all statements made of my own knowledge are true and all statements made on information and belief are believed to be true.

Respectfully submitted,
FLESHNER & KIM, LLP

Dated: April 14, 2005

By: _____



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