

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

**TTAB**

In the matter of Application Serial No. 76/613,363  
Filed: September 29, 2004  
For Trademark: CBVE  
Published in the Official Gazette of December 13, 2005

CB RICHARD ELLIS, INC. and CB RICHARD  
ELLIS OF CALIFORNIA, INC.,

Opposers,

vs.

COUTTS & CO.,

Applicant.

Opposition No.: TO BE ASSIGNED

Application No. 76/613,363

**NOTICE OF OPPOSITION**

TRADEMARK TRIAL AND APPEAL BOARD  
Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451

CB Richard Ellis, Inc., a Delaware corporation, and CB Richard Ellis of California, Inc., a Delaware corporation, having their principal place of business at 100 North Sepulveda Boulevard, Suite 1100, El Segundo, CA 90245, U.S.A. ("Opposers"), believe that they will be damaged by registration of the mark CBVE for a variety of services in International Classes 35 and 36 as shown in Application Serial No. 76/613,363 filed by Coutts & Co. ("Applicant") and published in the Official Gazette on November 4, 2005 (the "Application"). Opposers have been

granted extensions of time to oppose the Application up to and including June 11, 2006, and respectfully hereby oppose the same.

As grounds for the opposition, it is alleged as follows:

1. CB Richard Ellis, Inc. and CB Richard Ellis of California, Inc., along with their parents, subsidiaries and affiliates, are global leaders in the field of comprehensive real estate services and have more than 300 offices in over 50 countries, including partner and affiliate offices. The services they offer include strategic advice and execution for property leasing and sales; property, facilities and project management; corporate services; financial services, including debt and equity financing; investment consultation services; investment management; other banking services; insurance services; real estate development services; design and construction services; and many other real estate related services ("Opposers' Services").

2. Since substantially prior to the filing date of the Application, Opposers and their predecessors, parents, subsidiaries, and/or other affiliated and related entities have used the mark CBRE in connection with Opposers' Services, including comprehensive real estate and related financial services.

3. CB Richard Ellis of California, Inc. owns U. S. trademark registrations for the mark CBRE for a wide range of services in International Classes 36 and 37, namely U.S. Registration Nos. 2,925,943 and 2,925,952. CB Richard Ellis, Inc. owns applications and registrations for the mark CBRE for a wide range of services in International Classes 35, 36, 37 and 42, and for goods in International Class 16 related to those services, in countries all over the world, including Argentina, Australia, Bahamas, Bahrain, Bangladesh, Botswana, Brazil, Bulgaria, Cambodia, Canada, Chile, China P.R., Colombia, Costa Rica, Croatia, Dominican Republic, Ecuador, Egypt, Europe, Hong Kong, India, Indonesia, Israel, Jamaica, Japan, Kazakhstan, Kenya, Kuwait, Laos, Lebanon, Malaysia, Mexico, Morocco, Myanmar, Namibia, New Zealand, Nigeria, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Romania, Russian Federation, Saudi Arabia, Serbia-Montenegro, Singapore, South Africa, South Korea,

Sri Lanka, Switzerland, Taiwan, Thailand, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom, Uruguay, Venezuela, Vietnam, and Zimbabwe.

4. Since substantially prior to the filing date of the Application, Opposers, and their predecessors, parents, subsidiaries, licensees and other affiliated and/or related entities have promoted and advertised Opposers' Services in connection with the CBRE mark, and have sold and rendered such Opposers' Services in commerce in connection with the CBRE mark.

5. As a result of extensive advertising, promotion and sales of Opposers' Services offered in connection with the CBRE mark, Opposers have built up highly valuable goodwill in Opposers' CBRE mark, and said goodwill has become closely and uniquely identified and associated with Opposers and Opposers' Services.

6. On September 29, 2004, Applicant filed an intent-to-use application to register CBVE for the services in International Classes 35 and 36 as listed in the Application (the "Proposed Mark").

7. Opposers are informed and believe and on that basis allege that, Applicant has not used the Proposed Mark in connection with the services identified in the Application, including but not limited to financial services, investment services, various banking services, insurance services, consulting services, and other related services, prior to the constructive first date of September 29, 2004.

8. Many of the services covered by the Application are identical or closely related to the services rendered in connection with Opposers' CBRE mark.

9. Opposers are informed and believe and on that basis allege that Applicant's consumer base for the services in the Application is likely to consist of many of the same consumers who are familiar with the mark CBRE in connection with Opposers' Services.

10. Opposers are informed and believe and on that basis allege that Applicant will offer and distribute its services through channels of trade that overlap with those used by Opposers to offer and distribute Opposers' Services under the CBRE mark.

11. If Applicant were permitted to register the Proposed Mark, a high likelihood of confusion would result between the Proposed Mark and Opposers' marks. The Proposed Mark, CBVE, is confusing similar in appearance and sound to Opposers' CBRE mark. In addition, the services identified in the Application, namely, financial services, investment services, various banking services, insurance services, consulting services, and other related services overlap substantially with Opposers' Services provided by Opposers in connection with the mark CBRE, making it likely that Applicant's services would be perceived by consumers to be related to Opposers' Services. Accordingly, registration of the Proposed Mark would create a likelihood of confusion, mistake or deception in the minds of prospective customers as to the origin, source, or sponsorship of Applicant's services, causing consumers to believe that Applicant's services originate with or are approved, endorsed, or otherwise associated with Opposers.

12. Because the Proposed mark is likely to cause confusion, to cause mistake, or to deceive consumers as to whether Opposers are the origin, source, or sponsors of Applicant's services, Opposers will be injured by Applicant's Proposed Mark.

WHEREFORE, Opposers believe that they will be damaged by registration of Applicant's Proposed Mark, and pray that the opposition be sustained and said registration be denied.

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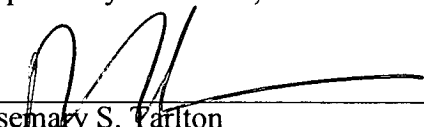
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Filing Fee: The Patent & Trademark Office is authorized to charge the \$600.00 for the filing of an opposition against the class identified in the Application, and any additional fees which may be required, or to credit any overpayment to **Deposit Account 03-1952 (Reference No. 545416000003)**. A duplicate copy of this document is being provided for that purpose.

Dated: June 12, 2006

Respectfully submitted,

By:



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**CERTIFICATE OF MAILING BY EXPRESS MAIL**

TRADEMARK TRIAL AND APPEAL BOARD  
P.O. Box 1451  
Alexandria, VA 22313-1451

Dear Commissioner:

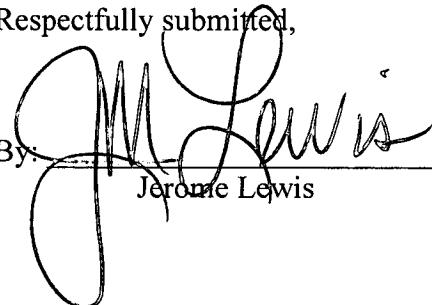
Express Mail Label No.: EV782262013US

Date of Deposit: June 12, 2006

I hereby certify that the attached Notice of Opposition (in triplicate) and receipt verification postcard are being deposited with the United States Postal Service Express Mail delivery as "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above, and is addressed to: Trademark Trial and Appeal Board, P.O. Box 1451, Alexandria, VA 22313-1451.

Respectfully submitted,

By:

  
Jerome Lewis