

ESTTA Tracking number: **ESTTA319399**

Filing date: **11/30/2009**

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

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Sanford, L.P.
Granted to Date of previous extension	11/29/2009
Address	2707 BUTTERFIELD ROAD, SUITE 100 OAK BROOK, IL 60523 UNITED STATES

Attorney information	Adam S. Weiss Schiff Hardin LLP 6600 Sears Tower Chicago, IL 60606 UNITED STATES aweiss@schiffhardin.com, trademarks@schiffhardin.com Phone:312-258-5631
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Applicant Information

Application No	79057448	Publication date	06/02/2009
Opposition Filing Date	11/30/2009	Opposition Period Ends	11/29/2009
International Registration No.	0973594	International Registration Date	01/10/2008
Applicant	AREIM RUSSIA LIMITED Nikou Georgiou, 6, Block C, 7th Floor Flat/Office 704; CY-1095 Nicosia CYPRUS		

Goods/Services Affected by Opposition

<p>Class 016. All goods and services in the class are opposed, namely: Address plates for addressing machines; address stamps; addressing machines; adhesive tape dispensers; adhesives, namely, glue for stationery or household purposes; advertisement boards of paper or cardboard; albums for photographs; almanacs; announcement cards; aquarelles; architects' models; atlases; bags for microwave cooking; garbage bags of paper or of plastics; balls, namely, tips, for ballpoint pens; bibs of paper; loose-leaf binders; binding strips; blackboards; blotters; blueprints; bookbinding machines; bookbinding cloth; bookbinding cords; bookbinding material; bookbindings; bookends; booklets in the field of real estate and finance activity; bookmarkers; books in the field of real estate and finance activity; paper bows for gift wraps; boxes for pens; boxes of cardboard or paper; plastic bubble packs for wrapping or packaging; cabinets for stationery, namely, desktop stationery cabinets; calendars; canvas for painting; carbon paper; cardboard; cardboard tubes; cards, namely, business cards, greeting cards; cases for stamps; catalogues in the field of real estate and finance activity; chalk for lithography; chalk holders; marking chalk; chaplets; charcoal pencils; chart pointers, non-electronic; printed charts; checkbooks holder; clipboards; money clips; cloth for bookbinding; coasters of paper; paper filters for coffee makers; comic books; drawing compasses; ink ribbons for computer printers;</p>
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copying paper; bookbinding cords; correcting fluids for type; correcting ink; covers of paper for flower pots; book covers; paper cutters; decalcomanias; diagrams for building computer circuits; document files; document laminators for office use; scented paper drawer liners; drawing boards; drawing instruments; drawing materials for blackboards; drawing pads; drawing pens; drawing squares; drawing T-squares; rotary duplicators; painters' easels; elastic bands for offices; electrocardiograph paper; electrotypes; embroidery design patterns; engraving plates; envelope sealing machines, for offices; envelopes; blackboard erasers; etching needles; etchings; fabrics for bookbinding; face towels of paper; papier mâché figurines; filter paper; paper folders; folders; printed forms; fountain pens; franking machines; French curves; printers' galley racks; geographical maps; terrestrial globes; glue for stationery or household purposes; graining combs; graphic prints; graphic representations; graphic art reproductions; handkerchiefs of paper; passport holders; hygienic paper; Indian inks; ink sticks; ink stones, namely, ink reservoirs; inking pads; inking ribbons; inkwells; perforated cards for jacquard looms; paper knives; ledgers books; letter trays; lithographic works of art; lithographs; paper manifolds; modelling clay; moulds for modelling clays; modelling compounds, namely, modelling paste; modelling wax, not for dental purposes; moisteners for gummed surfaces, namely, moisteners in the nature of hand held devices for wetting stamps, envelopes and gummed paper surfaces; moisteners being office requisites; musical greeting cards; napkins of paper for removing makeup; table napkins of paper; newsletters in the field of real estate and finance activity; newspapers; pen nibs; pen nibs of gold; note books; office perforators; office requisites, except furniture, namely, paper embossers; oleographs; packing paper; desk pads; writing pads; paint boxes; paintbrushes; painters' brushes; paintings, framed or unframed; palettes for painters; pamphlets in the field of real estate and finance activity; paper for recording machines; paper knives being cutters; paper ribbons; paper sheets for note taking; paper shredders for office use; waxed paper, namely, paraffined paper; paperclips; paperweights; papier mâché; parchment paper; pastel crayons; pastes for stationery or household purposes; patterns for dressmaking; patterns for making clothes; pen cases; pen clips; pencil holders; pencil lead holders; pencil leads; electric and mechanical pencilsharpeners; pencils; penholders; pens; printed periodicals in the field of real estate and finance activity; photo-engravings; photograph stands; photographs; pictures; placards of paper or cardboard; place mats of paper; portraits; postcards; posters; printed timetables; printers' blankets, not of textile; printers' reglets; printing blocks; printing type; prints; printed publications in the field of real estate and finance activity; punches; rosaries; rubber erasers; drawing rulers; square rulers, namely, drafting rulers; scrapbooks; sealing stamps; sealing wax; seals being stamps, namely, impression stamps; self adhesive tapes for stationery or household purposes; slate pencils; song books; stamp pads; stamp stands; stands for pens and pencils; staples for offices; stapling presses; stationery; steatite, namely, chalk for tailors; steel pens; stencil cases; stencil plates; stencils; stickers; table linen of paper; tablecloths of paper; tablemats of paper; tags for index cards; tailors' chalk; tear-off calendars; thumbtacks; tickets, namely, price tickets; tissues of paper for removing makeup; toilet paper; paper towels; tracing cloth, namely, tracing paper; tracing needles for drawing purposes; tracing paper; transfers in the nature of decalcomanias; paper transparencies; typewriter keys; typewriter ribbons; typewriters, electric or non-electric; watercolors being paintings; artists' watercolour saucers; watercolours; wood pulp paper; wrappers being stationery, namely, coin and food wrappers; wrapping paper; wristbands for the retention of writing instruments; writing brushes; writing chalk; writing instruments; writing or drawing books, namely, school writing books; writing paper; writing slates; writing tablets

Applicant Information

Application No	79057449	Publication date	06/02/2009
Opposition Filing Date	11/30/2009	Opposition Period Ends	
International Registration No.	0973595	International Registration Date	01/10/2008
Applicant	AREIM RUSSIA LIMITED Nikou Georgiou, 6, Block C, 7th Floor Flat/Office 704; CY-1095 Nicosia CYPRUS		

Goods/Services Affected by Opposition

Class 016.

All goods and services in the class are opposed, namely: Address plates for addressing machines; address stamps; addressing machines; adhesive tape dispensers; adhesives, namely, glue for stationery or household purposes; advertisement boards of paper or cardboard; albums for photographs; almanacs; announcement cards; aquarelles; architects' models; atlases; bags for microwave cooking; garbage bags of paper or of plastics; balls, namely, tips, for ballpoint pens; bibs of paper; loose-leaf binders; binding strips; blackboards; blotters; blueprints; bookbinding machines; bookbinding cloth; bookbinding cords; bookbinding material; bookbindings; bookends; booklets in the field of real estate and finance activity; bookmarkers; books in the field of real estate and finance activity; paper bows for gift wraps; boxes for pens; boxes of cardboard or paper; plastic bubble packs for wrapping or packaging; cabinets for stationery, namely, desktop stationery cabinets; calendars; canvas for painting; carbon paper; cardboard; cardboard tubes; cards, namely, business cards, greeting cards; cases for stamps; catalogues in the field of real estate and finance activity; chalk for lithography; chalk holders; marking chalk; chaplets; charcoal pencils; chart pointers, non-electronic; printed charts; checkbooks holder; clipboards; money clips; cloth for bookbinding; coasters of paper; paper filters for coffee makers; comic books; drawing compasses; ink ribbons for computer printers; copying paper; bookbinding cords; correcting fluids for type; correcting ink; covers of paper for flower pots; book covers; paper cutters; decalcomanias; diagrams for building computer circuits; document files; document laminators for office use; scented paper drawer liners; drawing boards; drawing instruments; drawing materials for blackboards; drawing pads; drawing pens; drawing squares; drawing T-squares; rotary duplicators; painters' easels; elastic bands for offices; electrocardiograph paper; electrotypes; embroidery design patterns; engraving plates; envelope sealing machines, for offices; envelopes; blackboard erasers; etching needles; etchings; fabrics for bookbinding; face towels of paper; papier mâché figurines; filter paper; paper folders; folders; printed forms; fountain pens; franking machines; French curves; printers' galley racks; geographical maps; terrestrial globes; glue for stationery or household purposes; graining combs; graphic prints; graphic representations; graphic art reproductions; handkerchiefs of paper; passport holders; hygienic paper; Indian inks; ink sticks; ink stones, namely, ink reservoirs; inking pads; inking ribbons; inkwells; perforated cards for jacquard looms; paper knives; ledgers books; letter trays; lithographic works of art; lithographs; paper manifolds; modelling clay; moulds for modelling clays; modelling compounds, namely, modelling paste; modelling wax, not for dental purposes; moisteners for gummed surfaces, namely, moisteners in the nature of hand held devices for wetting stamps, envelopes and gummed paper surfaces; moisteners being office requisites; musical greeting cards; napkins of paper for removing makeup; table napkins of paper; newsletters in the field of real estate and finance activity; newspapers; pen nibs; pen nibs of gold; note books; office perforators; office requisites, except furniture, namely, paper embossers; oleographs; packing paper; desk pads; writing pads; paint boxes; paintbrushes; painters' brushes; paintings, framed or unframed; palettes for painters; pamphlets in the field of real estate and finance activity; paper for recording machines; paper knives being cutters; paper ribbons; paper sheets for note taking; paper shredders for office use; waxed paper, namely, paraffined paper; paperclips; paperweights; papier mâché; parchment paper; pastel crayons; pastes for stationery or household purposes; patterns for dressmaking; patterns for making clothes; pen cases; pen clips; pencil holders; pencil lead holders; pencil leads; electric and mechanical pencilsharpeners; pencils; penholders; pens; printed periodicals in the field of real estate and finance activity; photo-engravings; photograph stands; photographs; pictures; placards of paper or cardboard; place mats of paper; portraits; postcards; posters; printed timetables; printers' blankets, not of textile; printers' reglets; printing blocks; printing type; prints; printed publications in the field of real estate and finance activity; punches; rosaries; rubber erasers; drawing rulers; square rulers, namely, drafting rulers; scrapbooks; sealing stamps; sealing wax; seals being stamps, namely, impression stamps; self adhesive tapes for stationery or household purposes; slate pencils; song books; stamp pads; stamp stands; stands for pens and pencils; staples for offices; stapling presses; stationery; steatite, namely, chalk for tailors; steel pens; stencil cases; stencil plates; stencils; stickers; table linen of paper; tablecloths of paper; tablemats of paper; tags for index cards; tailors' chalk; tear-off calendars; thumbtacks; tickets, namely, price tickets; tissues of paper for removing makeup; toilet paper; paper towels; tracing cloth, namely, tracing paper; tracing needles for drawing purposes; tracing paper; transfers in the nature of decalcomanias; paper transparencies; typewriter keys; typewriter ribbons; typewriters, electric or non-electric; watercolours being paintings; artists' watercolour saucers; watercolours; wood pulp paper; wrappers being stationery, namely, coin and food wrappers; wrapping paper; wristbands for the retention of writing instruments; writing brushes; writing chalk; writing instruments; writing or drawing books, namely, school writing books; writing paper; writing slates; writing tablets

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	797227	Application Date	12/09/1963
Registration Date	10/05/1965	Foreign Priority Date	NONE
Word Mark	MAJOR ACCENT		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class U037 (International Class 016). First use: First Use: 1963/09/18 First Use In Commerce: 1963/09/18 LIQUID PAINT FELT TIP MARKING AND COLORING APPLICATORS		

U.S. Registration No.	871335	Application Date	07/26/1968
Registration Date	06/17/1969	Foreign Priority Date	NONE
Word Mark	POCKET ACCENT		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class U037 (International Class 016). First use: First Use: 1968/07/16 First Use In Commerce: 1968/07/16 LIQUID PAINT FELT TIP MARKING AND COLORING APPLICATORS		

U.S. Registration No.	1404028	Application Date	01/22/1986
Registration Date	08/05/1986	Foreign Priority Date	NONE
Word Mark	ACCENT		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 016. First use: First Use: 1985/05/15 First Use In Commerce: 1985/05/15 MARKERS		

U.S. Registration No.	2242074	Application Date	09/18/1997
Registration Date	04/27/1999	Foreign Priority Date	NONE
Word Mark	LIQUID ACCENT		
Design Mark			
Description of Mark	NONE		

Goods/Services	Class 016. First use: First Use: 1998/04/24 First Use In Commerce: 1998/04/24 markers and pens		
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U.S. Registration No.	2942968	Application Date	03/04/2003
Registration Date	04/19/2005	Foreign Priority Date	NONE
Word Mark	INTRO BY ACCENT		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 016. First use: First Use: 2003/02/01 First Use In Commerce: 2003/02/01 Writing instruments, namely highlighters, markers, pens and pencils		

U.S. Registration No.	2973732	Application Date	09/10/2003
Registration Date	07/19/2005	Foreign Priority Date	NONE
Word Mark	ACCENT INSPIRE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 016. First use: First Use: 2004/05/01 First Use In Commerce: 2004/05/01 HIGHLIGHTING MARKERS AND PENS		

U.S. Registration No.	3347907	Application Date	04/16/2007
Registration Date	12/04/2007	Foreign Priority Date	NONE
Word Mark	ACCENT		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 016. First use: First Use: 1985/05/15 First Use In Commerce: 1985/05/15 Fiber-tip markers; Highlighting markers; Markers		

Attachments	77157551#TMSN.jpeg (1 page)(bytes) Opposition to Trademark ACCENT REAL ESTATE.PDF (22 pages)(564748 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Adam S. Weiss/
Name	Adam S. Weiss
Date	11/30/2009

NOTICE OF OPPOSITION

Sanford, L.P., and its predecessors and successors (“Sanford”) believes that it will be damaged by the registration of the ACCENT REAL ESTATE INVESTMENT MANAGERS Design trademarks, Application Serial Nos. 79/057,448 and 79/057,449, by Areim Russia Limited (“Applicant”) and opposes registration of these marks upon the following grounds:

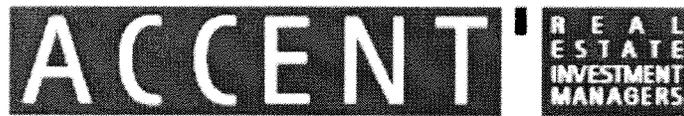
1. In its Application Serial Nos. 79/057,448 and 79/057,449, Applicant is seeking to obtain registration on the Principal Register of the marks ACCENT REAL ESTATE INVESTMENT MANAGERS Design in two design formats (“Applicant’s Marks”) as trademarks in several International Classes, including in International Class 16 in connection with the following goods:

Address plates for addressing machines; address stamps; addressing machines; adhesive tape dispensers; adhesives, namely, glue for stationery or household purposes; advertisement boards of paper or cardboard; albums for photographs; almanacs; announcement cards; aquarelles; architects' models; atlases; bags for microwave cooking; garbage bags of paper or of plastics; balls, namely, tips, for ballpoint pens; bibs of paper; loose-leaf binders; binding strips; blackboards; blotters; blueprints; bookbinding machines; bookbinding cloth; bookbinding cords; bookbinding material; bookbindings; bookends; booklets in the field of real estate and finance activity; bookmarkers; books in the field of real estate and finance activity; paper bows for gift wraps; boxes for pens; boxes of cardboard or paper; plastic bubble packs for wrapping or packaging; cabinets for stationery, namely, desktop stationery cabinets; calendars; canvas for painting; carbon paper; cardboard; cardboard tubes; cards, namely, business cards, greeting cards; cases for stamps; catalogues in the field of real estate and finance activity; chalk for lithography; chalk holders; marking chalk; chaplets; charcoal pencils; chart pointers, non-electronic; printed charts; checkbooks holder; clipboards; money clips; cloth for bookbinding; coasters of paper; paper filters for coffee makers; comic books; drawing compasses; ink ribbons for computer printers; copying paper; bookbinding cords; correcting fluids for type; correcting ink; covers of paper for flower pots; book covers; paper cutters; decalcomanias; diagrams for building computer circuits; document files; document laminators for office use; scented paper drawer liners; drawing boards; drawing instruments; drawing materials for blackboards; drawing pads; drawing pens; drawing squares; drawing T-squares; rotary duplicators; painters' easels. elastic bands for offices; electrocardiograph paper; electrotypes; embroidery design patterns; engraving plates; envelope sealing machines, for offices; envelopes; blackboard erasers; etching needles; etchings; fabrics for bookbinding; face towels of paper; papier mâché figurines; filter paper; paper folders; folders; printed forms; fountain pens; franking machines; French curves; printers' galley racks; geographical maps; terrestrial globes; glue for stationery or household purposes; graining combs;

graphic prints; graphic representations; graphic art reproductions; handkerchiefs of paper; passport holders; hygienic paper; Indian inks; ink sticks; ink stones, namely, ink reservoirs; inking pads; inking ribbons; inkwells; perforated cards for jacquard looms; paper knives; ledgers books; letter trays; lithographic works of art; lithographs; paper manifolds; modelling clay; moulds for modelling clays; modelling compounds, namely, modelling paste; modelling wax, not for dental purposes; moisteners for gummed surfaces, namely, moisteners in the nature of hand held devices for wetting stamps, envelopes and gummed paper surfaces; moisteners being office requisites; musical greeting cards; napkins of paper for removing makeup; table napkins of paper; newsletters in the field of real estate and finance activity; newspapers; pen nibs; pen nibs of gold; note books; office perforators; office requisites, except furniture, namely, paper embossers; oleographs; packing paper; desk pads; writing pads; paint boxes; paintbrushes; painters' brushes; paintings, framed or unframed; palettes for painters; pamphlets in the field of real estate and finance activity; paper for recording machines; paper knives being cutters; paper ribbons; paper sheets for note taking; paper shredders for office use; waxed paper, namely, paraffined paper; paperclips; paperweights; papier mâché; parchment paper. pastel crayons; pastes for stationery or household purposes; patterns for dressmaking; patterns for making clothes; pen cases; pen clips; pencil holders; pencil lead holders; pencil leads; electric and mechanical pencil sharpeners; pencils; penholders; pens; printed periodicals in the field of real estate and finance activity; photo-engravings; photograph stands; photographs; pictures; placards of paper or cardboard; place mats of paper; portraits; postcards; posters; printed timetables; printers' blankets, not of textile; printers' reglets; printing blocks; printing type; prints; printed publications in the field of real estate and finance activity; punches; rosaries; rubber erasers; drawing rulers; square rulers, namely, drafting rulers; scrapbooks; sealing stamps; sealing wax; seals being stamps, namely, impression stamps; self adhesive tapes for stationery or household purposes; slate pencils; song books; stamp pads; stamp stands; stands for pens and pencils; staples for offices; stapling presses; stationery; steatite, namely, chalk for tailors; steel pens; stencil cases; stencil plates; stencils; stickers; table linen of paper; tablecloths of paper; tablemats of paper; tags for index cards; tailors' chalk; tear-off calendars; thumbtacks; tickets, namely, price tickets; tissues of paper for removing makeup; toilet paper; paper towels; tracing cloth, namely, tracing paper; tracing needles for drawing purposes; tracing paper; transfers in the nature of decalcomanias; paper transparencies; typewriter keys; typewriter ribbons; typewriters, electric or non-electric; watercolors being paintings; artists' watercolour saucers; watercolours; wood pulp paper; wrappers being stationery, namely, coin and food wrappers; wrapping paper; wristbands for the retention of writing instruments; writing brushes; writing chalk; writing instruments. writing or drawing books, namely, school writing books; writing paper; writing slates; writing tablets

(collectively, "Applicant's Goods"). As shown below, the ACCENT portion of Applicant's Marks are the most prominent and dominant feature of the marks:

Application Serial No. 79/057,448:



Application Serial No. 79/057,449:



2. Over 45 years ago, Sanford first adopted the famous MAJOR ACCENT trademark on writing instruments and related products (“Sanford Goods”). Since that time, Sanford has adopted various versions of its ACCENT family of marks, including the POCKET ACCENT, LIQUID ACCENT, INTRO BY ACCENT, and ACCENT INSPIRE, among others. Moreover, over 20 years ago, Sanford adopted and has continuously used the famous ACCENT trademark alone in connection with its writing instrument products.

3. Sanford owns the following non-exhaustive list of registrations on the Principal Register of the United States Patent and Trademark Office:

U.S. Reg. No.	Trademark	Goods
797,227	MAJOR ACCENT	Liquid paint felt tip marking and coloring applicators
871,335	POCKET ACCENT	Liquid paint felt tip marking and coloring applicators
1,404,028	ACCENT	Markers
2,242,074	LIQUID ACCENT	Markers and pens
2,942,968	INTRO BY ACCENT	Writing instruments, namely highlighters, markers, pens and pencils
2,973,732	ACCENT INSPIRE	Highlighting markers and pens
3,347,907	ACCENT	Fiber-tip markers; highlighting markers; markers

The foregoing registrations are hereinafter referred to as the “ACCENT Registrations.” Many of the ACCENT Registrations have become incontestable; copies of such registrations and printouts from the U.S. Patent and Trademark Office database are attached hereto. All of the foregoing ACCENT trademarks and registrations, in Paragraphs 2 and 3, are collectively referred to herein

as the “ACCENT Marks.” Sanford has used the ACCENT Marks in connection with various products, including writing instruments and related products, since long before Applicant filed its applications.

4. Sanford has expended substantial monies in marketing, advertising and promoting the ACCENT Marks and, through such sales and advertising, has generated substantial goodwill and customer recognition in such marks.

5. Sanford has derived substantial revenues from its sales of Sanford Goods under the ACCENT Marks.

6. As a result of the marketing and sales of the Sanford Goods under the ACCENT Marks for many years, and of the public’s widespread use of the Sanford Goods, such products have come to be, and now are, well and favorably known under the ACCENT Marks as products of high quality, durability, and reliability. The ACCENT Marks are distinctive of the Sanford Goods and are well-known and famous, and valuable goodwill has been built up in the ACCENT Marks. Such goodwill has been built up long before the filing dates of the ACCENT REAL ESTATE INVESTMENT MANAGERS Design trademarks set forth in Application Serial Nos. 79/057,448 and 79/057,449.

7. Applicant’s filing of its trademark applications and/or Applicant’s use of the ACCENT REAL ESTATE INVESTMENT MANAGERS Design trademarks is without the consent or permission of Sanford.

8. On information and belief, Applicant’s filing of its trademark applications and/or Applicant’s use of the ACCENT REAL ESTATE INVESTMENT MANAGERS Design trademarks has been with knowledge of the extensive prior use by Sanford of the ACCENT Marks.

9. Applicant's Goods are closely related to the Sanford Goods, in particular they include, among others, writing instruments and related products.
10. The ACCENT portion of Applicant's Marks are the most prominent and dominant feature of the marks. Moreover the stylization of the ACCENT portion of Applicant's Marks is similar to the stylization first used by Sanford for its ACCENT Marks.
11. Applicant's ACCENT REAL ESTATE INVESTMENT MANAGERS Design trademarks are confusingly similar to the ACCENT Marks, and the registrations thereof by Applicant in connection with Applicant's Goods is likely to cause confusion, mistake or deception that Applicant's Goods are those of Sanford or are otherwise endorsed, sponsored, or approved by Sanford, or cause confusion, mistake or deception as to the affiliation, connection or association between Applicant and Sanford.
12. If Applicant is permitted to use and register the ACCENT REAL ESTATE INVESTMENT MANAGERS Design trademarks in connection with Applicant's Goods, confusion in trade resulting in irreparable damage and injury to Sanford would be caused by reason of the similarity between Applicant's ACCENT REAL ESTATE INVESTMENT MANAGERS Design trademarks and the ACCENT Marks. Persons familiar with the ACCENT Marks would be likely to buy Applicant's Goods believing that such products are provided by, endorsed by, or associated with Sanford, which is not the case. Furthermore, any defect, objection or fault found with Applicant's Goods marketed under the ACCENT REAL ESTATE INVESTMENT MANAGERS Design trademarks would necessarily reflect upon and seriously injure the reputation which Sanford has established for its products merchandised under its ACCENT Marks.
13. The ACCENT Marks are famous marks, as provided in Section 43(c)(1) of the Lanham Act, 15 U.S.C. § 1125(c)(1). If Applicant is permitted to use and register the ACCENT REAL

ESTATE INVESTMENT MANAGERS Design trademarks in connection with Applicant's Goods, as specified in Application Serial Nos. 79/057,448 and 79/057,449 herein opposed, the ACCENT Marks would be diluted, as such term is defined in 15 U.S.C. § 1127. Dilution of another's trademark under Section 43(c) of the Lanham Act constitutes grounds for opposition to a trademark application. 15 U.S.C. §§ 1052(f) and 1063.

14. If Applicant is granted registrations for the ACCENT REAL ESTATE INVESTMENT MANAGERS Design trademarks as shown in Application Serial Nos. 79/057,448 and 79/057,449, Applicant would thereby obtain a *prima facie* exclusive right to use such marks, and such Registrations would be the source of irreparable damage and injury to Sanford.

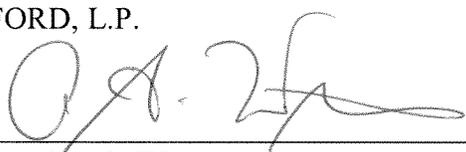
PRAYER FOR RELIEF

WHEREFORE, Sanford prays that the Application Serial Nos. 79/057,448 and 79/057,449 be rejected in connection with all goods therein in International Class 16 and that the marks therein sought for such goods be denied and refused.

Sanford submits herewith the requisite filing fee in the amount of \$600.00. The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to our Deposit Account No. 19-0409.

SANFORD, L.P.

By: _____



Adam S. Weiss
SCHIFF HARDIN LLP
6600 Sears Tower
Chicago, Illinois 60606
(312) 258-5500
Attorney for Opposer

Dated: November 30, 2009

CERTIFICATE OF FILING

I hereby certify that this correspondence was filed electronically through the TTAB's ESTTA (Electronic System for Trademark Trials and Appeals) system, on: November 30, 2009.



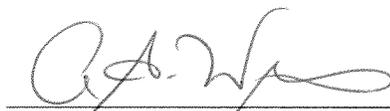
Adam S. Weiss
SCHIFF HARDIN LLP
6600 Sears Tower
Chicago, IL 60606
(312) 258-5631
One of the Attorneys for Opposer

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the attached "NOTICE OF OPPOSITION" has been served upon Applicant's attorney of record, with a courtesy copy to Applicant's U.S. attorney, by first class mail, postage prepaid, on: November 30, 2009, addressed to the following:

LOVELLS CIS;
ATT: RUSSIAN TRADE MARK ATT
5TH FLOOR USADBA CENTRE
VOZNESENSKY PEREULOK 22
RU-125009 MOSCOW
RUSSIAN FED.

BRYAN J. VOGEL
LOVELLS LLP
590 MADISON AVENUE
NEW YORK NY 10022
UNITED STATES



Adam S. Weiss
SCHIFF HARDIN LLP
6600 Sears Tower
Chicago, IL 60606
(312) 258-5631
One of the Attorneys for Opposer

United States Patent Office

797,227
Registered Oct. 5, 1965

PRINCIPAL REGISTER Trademark

Ser. No. 182,661, filed Dec. 9, 1963

MAJOR ACCENT

Sanford Ink Company (Illinois corporation)
2740 Washington Blvd.
Bellwood, Ill.

For: LIQUID PAINT FELT TIP MARKING AND
COLORING APPLICATORS, in CLASS 37.
First use Sept. 18, 1963; in commerce Sept. 18, 1963.



United States Patent and Trademark Office

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Trademarks > Trademark Electronic Search System (TESS)

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Start List At: OR [Jump](#) to record: **Record 7 out of 7**

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 (Use the "Back" button of the Internet Browser to return to TESS)

Typed Drawing

Word Mark	MAJOR ACCENT
Goods and Services	IC 016. US 037. G & S: LIQUID PAINT FELT TIP MARKING AND COLORING APPLICATORS. FIRST USE: 19630918. FIRST USE IN COMMERCE: 19630918
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	72182661
Filing Date	December 9, 1963
Current Filing Basis	1A
Original Filing Basis	1A
Registration Number	0797227
Registration Date	October 5, 1965
Owner	(REGISTRANT) SANFORD INK COMPANY CORPORATION ILLINOIS 2740 WASHINGTON BLVD. BELLWOOD ILLINOIS (LAST LISTED OWNER) SANFORD , L.P. LIMITED PARTNERSHIP ILLINOIS LEGAL DEPARTMENT 10B GLENLAKE PKWY, SUITE 600 ATLANTA GEORGIA 30328
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	Lisa Winger; Christopher B. Schneider
Type of Mark Register	TRADEMARK PRINCIPAL
Affidavit Text Renewal	SECT 15. SECTION 8(10-YR) 20060317. 2ND RENEWAL 20060317
Live/Dead Indicator	LIVE

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United States Patent Office

871,335
Registered June 17, 1969

PRINCIPAL REGISTER Trademark

Ser. No. 303,708, filed July 26, 1968

POCKET ACCENT

Sanford Ink Company (Illinois corporation)
2740 Washington Blvd.
Bellwood, Ill. 60104

For: LIQUID PAINT FELT TIP MARKING AND
COLORING APPLICATORS, in CLASS 37 (INT. CL.
16).

First use July 16, 1968; in commerce July 16, 1968.
Owner of Reg. Nos. 797,227 and 825,772.



United States Patent and Trademark Office

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Typed Drawing

Word Mark	POCKET ACCENT
Goods and Services	IC 016. US 037. G & S: LIQUID PAINT FELT TIP MARKING AND COLORING APPLICATORS. FIRST USE: 19680716. FIRST USE IN COMMERCE: 19680716
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	72303708
Filing Date	July 26, 1968
Current Filing Basis	1A
Original Filing Basis	1A
Registration Number	0871335
Registration Date	June 17, 1969
Owner	(REGISTRANT) SANFORD INK COMPANY CORPORATION ILLINOIS 2740 WASHINGTON BLVD. BELLWOOD ILLINOIS 60104 (LAST LISTED OWNER) SANFORD CORPORATION CORPORATION BY CHANGE OF NAME FROM ILLINOIS 2740 WASHINGTON BLVD. BELLWOOD ILLINOIS 60104
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	Lisa Winger; Christopher B. Schneider
Prior Registrations	0797227;0825772
Type of Mark	TRADEMARK
Register	PRINCIPAL
Affidavit Text	SECT 15.
Renewal	1ST RENEWAL 19890617
Live/Dead Indicator	LIVE

Int. Cl.: 16

Prior U.S. Cl.: 37

United States Patent and Trademark Office

Reg. No. 1,404,028
Registered Aug. 5, 1986

**TRADEMARK
PRINCIPAL REGISTER**

ACCENT

SANFORD CORPORATION (ILLINOIS CORPORATION)
2740 WASHINGTON BOULEVARD
BELLWOOD, IL 60104

FOR: MARKERS, IN CLASS 16 (U.S. CL. 37).
FIRST USE 5-15-1985; IN COMMERCE
5-15-1985.

OWNER OF U.S. REG. NOS. 791,854, 797,227,
AND 871,335.

SER. NO. 578,956, FILED 1-22-1986.

AMOS T. MATTHEWS, JR., EXAMINING ATTORNEY



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Typed Drawing

Word Mark ACCENT
Goods and Services IC 016. US 037. G & S: MARKERS. FIRST USE: 19850515. FIRST USE IN COMMERCE: 19850515
Mark Drawing Code (1) TYPED DRAWING
Serial Number 73578956
Filing Date January 22, 1986
Current Filing Basis 1A
Original Filing Basis 1A
Published for Opposition May 13, 1986
Registration Number 1404028
Registration Date August 5, 1986
Owner (REGISTRANT) **SANFORD CORPORATION CORPORATION** ILLINOIS 2711 WASHINGTON BLVD. BELLWOOD ILLINOIS 60104

 (LAST LISTED OWNER) **SANFORD, L.P. LIMITED PARTNERSHIP** ILLINOIS 2711 WASHINGTON BLVD BELLWOOD ILLINOIS 60104
Assignment Recorded ASSIGNMENT RECORDED
Attorney of Record Lisa Winger; Christopher B. Schneider
Prior Registrations 0791854;0797227;0871335
Type of Mark TRADEMARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20071203.
Renewal 1ST RENEWAL 20071203
Live/Dead Indicator LIVE

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Int. Cl.: 16

Prior U.S. Cls.: 2, 5, 22, 23, 29, 37, 38, and 50

Reg. No. 2,242,074

United States Patent and Trademark Office

Registered Apr. 27, 1999

**TRADEMARK
PRINCIPAL REGISTER**

LIQUID ACCENT

SANFORD L.P. (ILLINOIS LIMITED PART-
NERSHIP)
2711 WASHINGTON BOULEVARD
BELLWOOD, IL 60104

FIRST USE 4-24-1998; IN COMMERCE
4-24-1998.

SN 75-359,006, FILED 9-18-1997.

FOR: MARKERS AND PENS, IN CLASS 16
(U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

MARGERY A. TIERNEY, EXAMINING ATTOR-
NEY



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Typed Drawing

Word Mark LIQUID ACCENT
Goods and Services IC 016. US 002 005 022 023 029 037 038 050. G & S: markers and pens. FIRST USE: 19980424. FIRST USE IN COMMERCE: 19980424
Mark Drawing Code (1) TYPED DRAWING
Serial Number 75359006
Filing Date September 18, 1997
Current Filing Basis 1A
Original Filing Basis 1B
Published for Opposition April 21, 1998
Registration Number 2242074
Registration Date April 27, 1999
Owner (REGISTRANT) Sanford L.P. composed of Berol Corporation LIMITED PARTNERSHIP ILLINOIS 2707 BUTTERFIELD ROAD SUITE 100 OAK BROOK ILLINOIS 60523
Attorney of Record LISA WINGER
Type of Mark TRADEMARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20090606.
Renewal 1ST RENEWAL 20090606
Live/Dead Indicator LIVE

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Int. Cl.: 16

Prior U.S. Cls.: 2, 5, 22, 23, 29, 37, 38, and 50

United States Patent and Trademark Office

Reg. No. 2,942,968

Registered Apr. 19, 2005

**TRADEMARK
PRINCIPAL REGISTER**

INTRO BY ACCENT

SANFORD, L.P. (ILLINOIS LIMITED PARTNER-
SHIP)
29 E. STEPHENSON STREET
FREEPORT, IL 61032

OWNER OF U.S. REG. NOS. 797,227, 2,242,074,
AND OTHERS.

FOR: WRITING INSTRUMENTS, NAMELY
HIGHLIGHTERS, MARKERS, PENS AND PENCILS,
IN CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

SN 78-221,216, FILED 3-4-2003.

FIRST USE 2-1-2003; IN COMMERCE 2-1-2003.

SUE LAWRENCE, EXAMINING ATTORNEY



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Typed Drawing

Word Mark	INTRO BY ACCENT
Goods and Services	IC 016. US 002 005 022 023 029 037 038 050. G & S: Writing instruments, namely highlighters, markers, pens and pencils. FIRST USE: 20030201. FIRST USE IN COMMERCE: 20030201
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	78221216
Filing Date	March 4, 2003
Current Filing Basis	1A
Original Filing Basis	1B
Published for Opposition	April 13, 2004
Registration Number	2942968
Registration Date	April 19, 2005
Owner	(REGISTRANT) Sanford , L.P. The applicant is an Illinois Limited Partnership comprised of a general partner, Newell Operating Company, a Delaware Corporation LIMITED PARTNERSHIP ILLINOIS 29 E. STEPHENSON STREET FREEPORT ILLINOIS 61032
Attorney of Record	Lisa Winger; Christopher B. Schneider
Prior Registrations	0797227;0871335;1404028;2242074;AND OTHERS
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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Int. Cl.: 16

Prior U.S. Cls.: 2, 5, 22, 23, 29, 37, 38, and 50

United States Patent and Trademark Office

Reg. No. 2,973,732

Registered July 19, 2005

**TRADEMARK
PRINCIPAL REGISTER**

ACCENT INSPIRE

SANFORD, L.P. (ILLINOIS LIMITED PARTNER-
SHIP)
29 E. STEPHENSON STREET
FREEPORT, IL 61032

OWNER OF U.S. REG. NO. 1,404,028.

SN 78-298,737, FILED 9-10-2003.

FOR: HIGHLIGHTING MARKERS AND PENS, IN
CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

FIRST USE 5-1-2004; IN COMMERCE 5-1-2004.

JENNIFER MARTIN, EXAMINING ATTORNEY



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Typed Drawing

Word Mark ACCENT INSPIRE
Goods and Services IC 016. US 002 005 022 023 029 037 038 050. G & S: HIGHLIGHTING MARKERS AND PENS. FIRST USE: 20040501. FIRST USE IN COMMERCE: 20040501
Mark Drawing Code (1) TYPED DRAWING
Serial Number 78298737
Filing Date September 10, 2003
Current Filing Basis 1A
Original Filing Basis 1B
Published for Opposition June 15, 2004
Registration Number 2973732
Registration Date July 19, 2005
Owner (REGISTRANT) SANFORD, L.P. NEWELL OPERATING COMPANY, GENERAL PARTNER, A DELAWARE CORPORATION; SANFORD INVESTMENT COMPANY, LIMITED PARTNER LIMITED PARTNERSHIP ILLINOIS 29 E. STEPHENSON STREET FREEPORT ILLINOIS 61032
Attorney of Record Lisa Winger; Christopher B. Schneider
Prior Registrations 1404028
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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Int. Cl.: 16

Prior U.S. Cls.: 2, 5, 22, 23, 29, 37, 38 and 50

United States Patent and Trademark Office

Reg. No. 3,347,907

Registered Dec. 4, 2007

**TRADEMARK
PRINCIPAL REGISTER**

ACCENT

SANFORD, L.P. (ILLINOIS LIMITED PARTNER-
SHIP)
2707 BUTTERFIELD ROAD
OAK BROOK, IL 60523

FOR: FIBER-TIP MARKERS; HIGHLIGHTING
MARKERS; MARKERS, IN CLASS 16 (U.S. CLS. 2,
5, 22, 23, 29, 37, 38 AND 50).

FIRST USE 5-15-1985; IN COMMERCE 5-15-1985.

THE MARK CONSISTS OF STANDARD CHAR-
ACTERS WITHOUT CLAIM TO ANY PARTICULAR
FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 797,227, 1,404,028 AND
OTHERS.

SER. NO. 77-157,551, FILED 4-16-2007.

IRA J. GOODSaid, EXAMINING ATTORNEY



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ACCENT

Word Mark ACCENT
Goods and Services IC 016. US 002 005 022 023 029 037 038 050. G & S: Fiber-tip markers; Highlighting markers; Markers. FIRST USE: 19850515. FIRST USE IN COMMERCE: 19850515
Standard Characters Claimed
Mark Drawing Code (4) STANDARD CHARACTER MARK
Serial Number 77157551
Filing Date April 16, 2007
Current Filing Basis 1A
Original Filing Basis 1A
Published for Opposition September 18, 2007
Registration Number 3347907
Registration Date December 4, 2007
Owner (REGISTRANT) **SANFORD**, L.P. GENERAL PARTNER, NEWELL OPERATING COMPANY, A DELAWARE CORPORATION; LIMITED PARTNER, **SANFORD** INVESTMENT COMPANY, A DELAWARE CORPORATION LIMITED PARTNERSHIP ILLINOIS 2707 BUTTERFIELD ROAD OAK BROOK ILLINOIS 60523
Attorney of Record LISA WINGER
Prior Registrations 0797227;0871335;1404028;AND OTHERS

Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead
Indicator LIVE

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