

ESTTA Tracking number: **ESTTA340251**

Filing date: **04/01/2010**

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	ArtBanc International, Ltd		
Entity	Partnership	Citizenship	Texas
Composed Of:	ArtBanc Management, LLC, a Texas limited liability company		
Address	100 Crescent Court Seventh Floor Dallas, TX 75201 UNITED STATES		

Attorney information	John M. Cone Hitchcock Evert LLP PO Box 131709 Dallas, TX 75313-1709 UNITED STATES nugecones@yahoo.com Phone:2148807002		
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Applicant Information

Application No	78724975	Publication date	03/02/2010
Opposition Filing Date	04/01/2010	Opposition Period Ends	04/01/2010
International Registration No.	NONE	International Registration Date	NONE
Applicant	Artbank.com Limited 114 Clerkenwell Road London, EC1M 5SA UNITED KINGDOM		

Goods/Services Affected by Opposition

Class 035. All goods and services in the class are opposed, namely: providing a website at which users can offer goods for sale and buy goods offered by others
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Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	3600184	Application Date	03/07/2005
Registration Date	03/31/2009	Foreign Priority Date	NONE
Word Mark	ARTBANC		

Design Mark	ARTBANC
Description of Mark	NONE
Goods/Services	Class 036. First use: First Use: 2007/04/24 First Use In Commerce: 2007/04/24 Financial investment in the field of fine art; financing relating to fine art

Attachments	78581801#TMSN.jpeg (1 page)(bytes) 100308 Notice of Opposition.pdf (4 pages)(21651 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	/s/ John M. Cone
Name	John M. Cone
Date	04/01/2010

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

In the Matter of Application Serial No. 78/724975 ARTBANK

ARTBANC INTERNATIONAL, LTD

Opposer,

v.

ARTBANK.COM LIMITED,

Applicant.

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Opposition No. _____

TO THE HONORABLE TRADEMARK TRIAL AND APPEAL BOARD

NOTICE OF OPPOSITION

ArtBanc International, Ltd (hereinafter "Opposer") files this Notice of Opposition against Application Serial No. 78/724975 filed by Artbank.com Limited (hereinafter "Applicant") and in support thereof would show as follows:

1. Applicant has filed an application based on Sections 1(b) and 44(d) for the mark ARTBANK for "Providing a web site at which users can offer goods for sale and buy goods offered by others in International Class 35 (the "Mark Applied For"), which application was filed on October 3, 2005, claiming priority from a U.K. filing of April 4, 2005."

2. Opposer is the owner of Trademark Registration No. 3,600,184 ARTBANC for "Financial investment in the field of fine art; financing relating to fine art." Opposer's Registration is based on an application filed on March 7, 2005, before the priority date of the Mark Applied For.

3. In addition, Opposer has used ArtBanc a trade name from as long ago as 2002.

4. As a result of offering its services under the above trade name and mark, Opposer has built up substantial goodwill in the term ARTBANC which has come to signify services originating with, or associated, or approved by, Opposer.

5. The Mark Applied For so resembles Opposer's mark identified in Paragraph 2 and its trade name identified in Paragraph 3 that use of the Mark Applied For for the services identified in application S.N. 78/724975 would be likely to cause confusion, or to cause mistake, or to deceive. 15 U.S.C. § 1052(d).

7. Opposer has filed application Serial Number 77/105336 ARTBANC. This application has been suspended to await the outcome of Application S.N. 78/724975, which the Trademark Examining attorney considers a potential 2(d) citation.

8. For the reasons set out above, Opposer is being damaged because application S.N. 78/724975, if granted, would create statutory rights in violation of Opposer's established rights.

WHEREFORE, Opposer prays that this Opposition be granted and that Applicant be denied registration for the mark ARTBANK.

Dated: March 31, 2009

Respectfully submitted,

/s/ John M. Cone

John M. Cone
Hitchcock Evert LLP
P.O. Box 131709
Dallas, Texas 75313-1709
(214) 880-7002 Telephone

(214) 953-1121 Facsimile
jcone@hitchcockevert.com

ATTORNEY FOR OPPOSER
ARTBANC INTERNATIONAL, LTD

CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of April 2010, a true and correct copy of the foregoing document was served via U.S. First Class Mail, postage prepaid on Keith Barritt, Fish & Richardson P.C., P.O. Box 1022, Minneapolis MN 55440-1022.

/s/ John M. Cone
John M. Cone