

United States Patent and Trademark Office
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Mailed: September 19, 2005

Concurrent Use No. 94002126

Arcon Associates, Inc.
V.
Archon Group
V.
Archon Group
V.
ARCON Architects, Inc.
V.
Arcon Architectural
V.
ArCON Group
V.
IRT-ARCON

To: Archon Group
600 Las Colinas Blvd E
Irving, TX 75039

cc
Archon Group
4801 Woodway Dr
Houston, TX 77056

cc
ARCON Architects, Inc.
5206 Hidden Brook
League City, TX 77573

cc
Arcon Architectural
332 E 500 S
Salt Lake City, UT 84111

cc
ArCON Group
1052 Highland Colony Parkway, #203
Ridgeland, MS 39157

cc
IRT-ARCON

281 NE 32nd Street
Oakland Park, FL 33334

Re: **ARCON**

Karl Kochersperger, Paralegal

The applicant in application Serial No. 78218850 has applied for a concurrent use registration for the trademark or service mark set forth below.

Name of applicant	: Arcon Associates, Inc.
Applicant's address	: 420 Eisenhower Lane Lombard, IL 60148
Applicant's mark	: ARCON
Goods or services	: Building construction management services; and building inspection services, in Class 37 Architectural design services, in Class 42
Filing date	: 02/25/2003
Territory of use	: Applicant claims the exclusive right to use of the mark in the states of Illinois, Iowa, Wisconsin, Michigan, and Indiana.
Attorney	: John R Crossan Chapman and Cutler 111 W Monroe St, #1700 Chicago, IL 60603

In its application, the applicant has recited as an exception to its allegation of exclusive use of said mark, use by you of an identical or very similar mark. Your mark, goods or services, and territory of use, *as acknowledged in* the referenced application, are set out below in a summary of details of the application. A copy of the application as filed is also included herewith.

Your mark	: ARCON
Your goods or services	: Building construction

management and building
inspection services

Your territory of use : In areas outside of the
area claimed by applicant

Since the Office has determined that applicant's mark appears entitled to registration, subject to a concurrent use proceeding with you, a concurrent use proceeding is hereby instituted under the provisions of Section 2(d) of the Trademark Act of 1946.

The proceeding will be conducted in accordance with the Rules of Practice in Trademark cases, as set out in Title 37 of the Code of Federal Regulations. Trademark Rule 2.99 thereof, under which this notice is given, provides that:

An answer to the notice is not required in the case of an applicant or registrant whose application or registration is specified in the application to register as concurrent user in the application, but a statement, if desired, may be filed within forty days after the mailing of the notice; in the case of any other party specified as a concurrent user in the application, an answer must be filed within forty days after the mailing of the notice.

You are allowed until **40 days from the mailing date above** to file such answer in accordance with Trademark Rule 2.99. If filed, the answer should be directed to the allegations relating to concurrent use recited in the application identified herein. If an answer is not filed, then the proceeding may be handled as in a case of default. See Trademark Rule 2.99(d)(3).

You are requested to advise the Trademark Trial and Appeal Board of any relevant applications or registrations, other than that already listed herein, which should be included in this concurrent use proceeding. Your response, if any, should be in writing and should accompany your answer.

**DISCOVERY AND TESTIMONY PERIODS ARE SET AS
INDICATED BELOW.**

IN EACH INSTANCE, a copy of the transcript of testimony together with copies of documentary exhibits,

must be served on the adverse party WITHIN THIRTY DAYS after completion of the taking of testimony. Trademark Rule 2.125.

Discovery period to open: **October 09, 2005**

Discovery period to close: **April 07, 2006**

30-day testimony period for party
in position of plaintiff to close: **July 06, 2006**

30-day testimony period for party
in position of defendant to close: **September 4, 2006**

15-day rebuttal testimony period
to close: **October 19, 2006**

Briefs shall be filed in accordance with Trademark Rule 2.128(a) and (b).

An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.

CC:

John R. Crossan
Chapman and Cutler
111 W. Monroe St., #1700
Chicago IL, US 60603-4080