

TTAB

United States Patent and Trade  
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



10-04-2005

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

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

To:

John R. Crossan  
Chapman & Cutler  
111 W Monroe St, #1700  
Chicago, IL 60603

Serial No.: 78218850  
Filed: February 25, 2003

**Karl Kochersperger, Paralegal**

A concurrent use proceeding involving your above-identified application 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.

Arcon Architectural; Archon Group (Irving); Archon Group (Houston); ARCON Architects, Inc.; ArCON Group; and IRT-ARCON, the users referred to in your application, are being notified on this date of the institution of the concurrent use proceeding and is being supplied with a copy of your application, in accordance with the provisions of Trademark Rule 2.99. The user has been given until **40 days from the mailing date above** to file an answer under Trademark Rule 2.99. Should the user fail to file the

required answer, the proceeding may be handled as in a case of default. See Trademark Rule 2.99(d)(3).

You are requested to advise the Board of any relevant applications or registrations, other than that already referenced herein, which should be included in this concurrent use proceeding. Your response, if any, should be in writing and should be filed on or before **40 days from the mailing date above.**

**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 to open: October 9, 2005

Discovery to close: April 7, 2006

Testimony period for party in  
position of plaintiff to close: July 6, 2006  
(opening thirty days prior thereto)

Testimony period for party in  
position of defendant to close: September 4, 2006  
(opening thirty days prior thereto)

Rebuttal testimony period to close: October 19, 2006  
(opening fifteen days prior thereto)

Briefs shall be filed in accordance with Rule 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.

CC:

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

**DOCUMENT INFORMATION****TRADEMARK/SERVICEMARK APPLICATION****VERSION 1.24****APPLICANT INFORMATION**

NAME	Arcon Associates, Inc.
STREET	420 Eisenhower Lane
CITY	Lombard
STATE	IL
COUNTRY	USA
ZIP/POSTAL CODE	60148
TELEPHONE NUMBER	630-495-1900

**APPLICANT ENTITY INFORMATION**

CORPORATION: STATE/COUNTRY OF INCORPORATION	Illinois
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**TRADEMARK/SERVICEMARK INFORMATION**

MARK	ARCON
TYPED FORM	Yes

**BASIS FOR FILING AND GOODS/SERVICES INFORMATION**

USE IN COMMERCE: SECTION 1(a)	Yes
SPECIMEN	Yes
SPECIMEN DESCRIPTION	An image of the home page of Applicant's Internet web site, describing the services offered by Applicant and its experience.
INTERNATIONAL CLASS NUMBER	037



LISTING OF GOODS AND/OR SERVICES	Building construction management services; and building inspection services
FIRST USE ANYWHERE DATE	12/31/1979
FIRST USE IN COMMERCE DATE	12/31/1979
<b>BASIS FOR FILING AND GOODS/SERVICES INFORMATION</b>	
USE IN COMMERCE: SECTION 1(a)	Yes
SPECIMEN	Yes
SPECIMEN DESCRIPTION	An image of the home page of Applicant's Internet web site, describing the services offered by Applicant and its experience.
INTERNATIONAL CLASS NUMBER	042
LISTING OF GOODS AND/OR SERVICES	Architectural design services.
FIRST USE ANYWHERE DATE	12/31/1979
FIRST USE IN COMMERCE DATE	12/31/1979
<b>OPTIONAL INFORMATION</b>	
SECTION 2(f)	Yes
CONCURRENT USE	Applicant claims the exclusive right to use of the mark on building construction management and building inspection services in class 037 and for architectural design services in class 042 in the states of Illinois, Iowa, Wisconsin, Michigan, and Indiana.
MISCELLANEOUS STATEMENT	The following are all of the present concurrent users of the ARCON or similar mark for architectural design and related services, including building construction management and building inspection services, in areas outside of the area claimed by Applicant; Applicant and its counsel are unaware of the prior dates of use of such marks, but all are common law marks used without registration: Archon Group 600 Las Colinas Blvd E Irving, TX 75039 (972) 368-0000; Archon Group 4801 Woodway Dr, Houston, TX 77056 (713) 624-7900; ARCON Architects, Inc. 5206 Hidden Brook League City, TX 77573 281-316-6392; Arcon Architectural 332 E 500 S Salt Lake City, UT 84111 801-521-9161; ArCON Group 1052 Highland Colony

Parkway, # 203 Ridgeland, MS 39157 601-853-6855; and IRT-ARCON 281 NE 32nd Street Oakland Park, FL 33334 888-548-8387 (also a sales office in Amelia, VA).

**ATTORNEY INFORMATION**

NAME John R. Crossan

STREET 111 W. Monroe St., #1700

CITY Chicago

STATE IL

COUNTRY USA

ZIP/POSTAL CODE 60603-4080

FIRM NAME Chapman and Cutler

E-MAIL ADDRESS crossan@chapman.com

AUTHORIZE E-MAIL  
COMMUNICATION Yes

TELEPHONE  
NUMBER 312-845-3420

FAX NUMBER 312-803-5299

ATTORNEY DOCKET  
NUMBER 1714393

OTHER APPOINTED  
ATTORNEY(S) Robert J. Schneider, Jane S. Berman

**FEE INFORMATION**

TOTAL FEES PAID 670

NUMBER OF CLASSES  
PAID 2

NUMBER OF CLASSES 2

**LAW OFFICE INFORMATION**

E-MAIL ADDRESS crossan@chapman.com

FOR  
CORRESPONDENCE

**SIGNATURE AND OTHER INFORMATION**

SIGNATURE /jrcrossan/

DATE 02/25/2003

NAME John R. Crossan

TITLE Attorney

**MAILING ADDRESS**

LINE John R. Crossan

LINE Chapman and Cutler

LINE 111 W. Monroe St., #1700

LINE Chicago IL USA 60603-4080

**SERIAL NUMBER INFORMATION**

SERIAL NUMBER 78218850

**RAM INFORMATION**

RAM SALE NUMBER 337

RAM ACCOUNTING  
DATE 02/26/2003

INTERNET  
TRANSMISSION  
DATE Tue Feb 25 18:09:49 EST 2003

TEAS STAMP USPTO/BAS-65207212116-20030225180949473356-78218850-  
20049e1e0822529011a4e6a45ce2450d1-RAM-337-20030225180300732082

E-MAIL ADDRESS  
FOR  
ACKNOWLEDGMENT crossan@chapman.com

**Drawing Page**

**Serial Number:**

78218850

**Applicant:**

Arcon Associates, Inc.  
420 Eisenhower Lane  
Lombard IL USA 60148

**Date of First Use:**

12/31/1979

**Date of First Use in Commerce:**

12/31/1979

**Goods and Services:**

Building construction management services; and building inspection services

**Date of First Use:**

12/31/1979

**Date of First Use in Commerce:**

12/31/1979

**Goods and Services:**

Architectural design services.

**Mark:**

ARCON

# Home



firm profile

educational facilities

healthcare facilities

park and recreational facilities

additional services

- roofing/masonry
- environmental consulting
- construction management
- design/build
- financial consulting

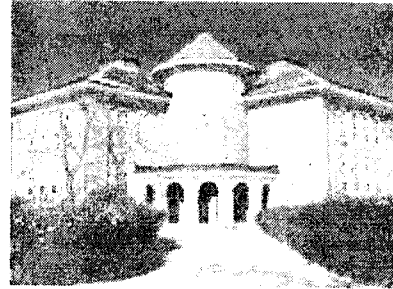
clients

employment opportunities

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home

ARCON Associates, Inc. is an award winning educational design firm of architects, roof and masonry consultants, environmental consultants, and construction managers specializing in K-12, higher educational facilities, healthcare, and parks & recreation design.



Located in Lombard and Rockford, Illinois, ARCON provides our clients a full range of services including the design of new schools, clinics, hospitals, additions and remodeling, roof and masonry restoration, life safety compliance, handicapped accessibility, environmental consulting, construction management, and much more.

We are dedicated to serving our clients needs and creating facilities designed to enhance the educational experience and the built environment.

**For additional information, please contact:**

Bianca Lapin

Marketing Coordinator

PH: 630-495-1900

FAX: 630-495-2178

E-MAIL: [marketing@arconassoc.com](mailto:marketing@arconassoc.com)

Return in Ten Days

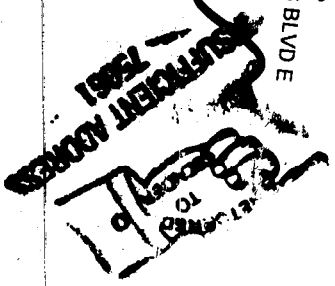
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ART HON GROUP  
600 AS LINAS BLVD E  
IRVING, TX 75039



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