

Docket No.: 6073.0048

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

HSBC HOLDING Plc.,	:
Opposer,	:
v.	:
AMANA MUTUAL FUNDS TRUST,	:
Applicant.	:

Opposition No.

Mark: AMANA
Ser. No.: 76/062155
Filing Date: June 2, 2000

NOTICE OF OPPOSITION

Opposer HSBC Holding Plc., through its attorneys, believing that it would be damaged by the registration of the mark AMANA, Application Serial No. 76/062155, alleges as follows:

1. Opposer HSBC Holding Plc. ("HSBC") is a United Kingdom public limited liability company, having an address at 10 Lower Thames Street, London EC3R 6AE, England.
2. Upon information and belief, Applicant Amana Mutual Funds Trust is an Indiana corporation, having a place of business at 1300 N. State Street, Bellingham, Washington.
3. Upon information and belief, Applicant filed Application No. 76/062155 on June 2, 2000 for the mark AMANA. As published for opposition on January 1, 2002,

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com

that application covers "investment services, namely, investment advice, consultation, management, administration, distribution, and brokerage of funds; investment of funds for others."

4. Speakers of the Arabic language, including those in the United States, would recognize that the word "Amana" is the transliteration of an Arabic word that is the generic name used to identify a financial trust in keeping with the requirements of Islamic law.

5. Because the word "Amana" identifies financial trust services, it cannot act as a trademark to distinguish Applicant's financial services from those of its competitors. Therefore, the term cannot be appropriated by a single entity for its own exclusive use, and is not eligible for registration under Section 2 of the Lanham Act (15 U.S.C. § 1052).

6. In the alternative, the word "Amana" is merely descriptive of an aspect or quality of Applicant's financial services, namely, that they comply with Islamic law and practices, and is therefore not eligible for registration under Section 2(e) of the Lanham Act (15 U.S.C. § 1052(e)).

7. Upon information and belief, the word "Amana" has not become distinctive of Applicant's financial services through use. Therefore, "Amana" is not eligible for registration under Section 2(f) of the Lanham Act (15 U.S.C. § 1052(f)).

8. Opposer owns a pending application for the mark HSBC AMANAH, Ser. No. 78/106047, filed January 31, 2002. Opposer intends to use that mark in commerce to identify financial services that comply with Islamic law and practices. Accordingly,

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202 408.4000
Fax 202.408 4400
www.finnegan.com

Opposer needs to be able to use the word "Amana" or its equivalent "Amanah" in a generic and/or descriptive manner in connection with its financial services.

9. If Applicant is granted federal registration for its AMANA mark, Ser. No. 76/062155, that registration would be a source of damage and injury to Opposer.

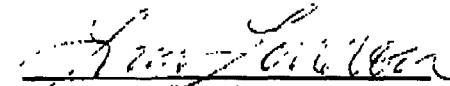
Wherefore, Opposer requests that registration of the mark AMANA, Application Serial No. 76/062155 be refused and that this opposition be sustained.

The required opposition fee of \$300 accompanies this Notice. If the filing fee is found to be insufficient for any reason, please charge the deficiency to our Deposit Account No. 06-0916.

Respectfully submitted,

Date: April 9, 2002

By:



Lisa Peller London

B. Brett Heavner

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

1300 I St., N.W.

Washington, DC 20005

Tel: (202) 408-4000

Fax: 202-408-4400

Attorneys for Opposer
HSBC Holding Plc.

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202 408 4000
Fax 202 408 4400
www.finnegan.com

**FINNEGAN, HENDERSON, FARABOW
GARRETT & DUNNER, L.L.P.**

1300 I Street, N.W.
Washington, D.C. 20005-3315

CRESTAR BANK N.A.
WASHINGTON, D.C. 20005

**PTO
ACCOUNT**

059553

$\frac{15.62}{540}$

CHECK NO.	DATE	AMOUNT
59553	04/09/02	*****300.00

PAY THREE HUNDRED AND 00/100 DOLLARS

TO
THE
ORDER
OF
COMMISSIONER OF PATENTS AND TRADEMARKS

Christopher P. Foley

VOID AFTER 180 DAYS

⑈00059553⑈ ⑆054000522⑆ 206744587⑈

FINNEGAN, HENDERSON, FARABOW
GARRETT & DUNNER, L.L.P.

DETACH AND RETAIN THIS STATEMENT
THE ATTACHED CHECKS IS IN PAYMENT OF ITEMS DESCRIBED BELOW.
IF NOT CORRECT PLEASE NOTIFY US PROMPTLY. NO RECEIPT DESIRED.

059553

VENDOR I.D.#/GL#	INVOICE DATE	INVOICE #	INVOICE AMOUNT
06073 0048-00000	04/09/02	64741	300.00
STROMAN CARLITA			300.00

PLEASE ACKNOWLEDGE RECEIPT OF THE FOLLOWING:

Opposer: HSBC Holding Plc

Applicant: Amarna Mutual Funds Trust

Serial No.: 76/062,155

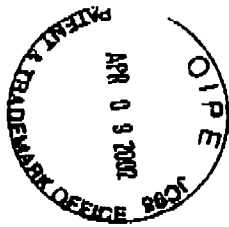
Mark: AMANA

1. Notice of Opposition
2. \$300 Filing Fee

Today's Date: April 9, 2002

Attorney Docket: 06073.0048

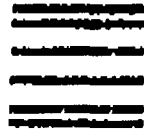
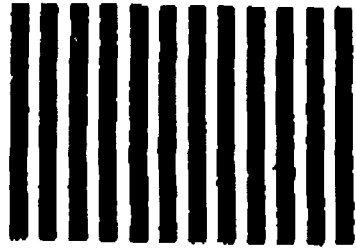
LPL:stroman MD 717



Due Date: April 11, 2002

Handwritten initials and date: LPL 4/10/02

NO POSTAGE
NECESSARY
IF MAILED
IN THE
UNITED STATES



BUSINESS REPLY MAIL
FIRST CLASS MAIL PERMIT NO. 17965 WASHINGTON, DC

POSTAGE WILL BE PAID BY ADDRESSEE

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.
1300 I ST NW
WASHINGTON DC 20005-3315

