

CERTIFICATE OF FIRST CLASS MAIL UNDER 37 CFR 1.8

Date of Deposit: May 31, 2002

I hereby certify that this paper or fee is being deposited with the United States Postal Service First Class Mail, postage prepaid, under 37 CFR 1.8 on the date indicated above and is addressed to the Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3513.

Darcy A. Hutton
(Typed or printed name of person mailing paper or fee)

Darcy A. Hutton
(Signature of person mailing paper or fee)

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

First Tennessee National Corporation,
)
)
Opposer,
)
v.
)
Wells Fargo & Company,
)
Applicant.
)

Opposition No. _____

NOTICE OF OPPOSITION

Opposer, First Tennessee National Corporation, a Tennessee Corporation with a business address of 165 Madison Avenue, Memphis, Tennessee 38103, hereby opposes registration of the mark WELLS FARGO HORIZON that is the subject of application Serial No. 76/291,053, published in the *Official Gazette* of May 14, 2002, and requests that registration to Applicant be refused.

As grounds in support of its opposition, Opposer asserts as follows:

1. Opposer, for many years and since long prior to any date of first use upon which Applicant and its predecessors in interest, can rely, have adopted and continuously used the term HORIZON as a trademark for financial services.
2. Opposer is the owner of all right, title and interest in and to the mark HORIZON for financial services.
3. Applicant has filed an intent-to-use application to register the mark WELLS FARGO HORIZON for financial services. That application was filed on July 27, 2001, and was assigned Serial No. 76/291,053.


#39954v1

4. Applicant's mark so resembles Opposer's previously used HORIZON mark as to be likely, when applied to the goods set forth in Applicant's application, to cause confusion, mistake, or deception within the meaning of Section 2(d) of the Trademark Act.

WHEREFORE, Opposer prays that the opposition be sustained and that registration to Applicant be refused.

Respectfully submitted,
First Tennessee National Corporation

By: _____


Scott K. Haight
Attorney for Opposer
BUTLER, SNOW, O'MARA, STEVENS & CANNADA, PLLC
P.O. Box 171443
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Facsimile: (901) 680-7201

Date: May 30, 2002

#39954v1

Assistant Commissioner of Trademarks
2900 Crystal Drive
Arling VA 22202-3514

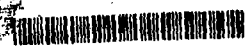
Atty: SKH
Docket No.: 023211.42673
5.31.02

Please confirm receipt of the document(s) checked below by applying your date stamp (and Serial No.)

WELLS FARGO HORIZON

A Trademark application, including the signed application with drawing and one specimen and a check in the amount of \$ _____

- A response/Amendment
- Cert. Of 1st CLASS Mail
- Sec. 8 Affidavit Combined _____
- Notice of Opposition _____
- Answer _____
- Other (describe): _____


06-03-2002
U.S. Patent & TMO/7M Mail Rpt Dt. #34

Date Rec'd

Serial/Registration No. 76/291,053

**BUTLER, SNOW, O'MARA
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Date: August 20, 2002

TO: Mr. Duane Bolding - TTAB

FAX : 1-703-746-7081

FROM: Darcy A. Hutton

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Client/Matter: 023211.42673

COMMENTS: Please see attached regarding application serial no. 76/291,053.

PAGES: 6

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**BUTLER, SNOW,
O'MARA, STEVENS
& CANNADA, PLLC**

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May 31, 2002

CERTIFICATE OF EXPRESS MAIL UNDER 37 CFR 1.10

Mailing Date: May 31, 2002
I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3513.

Darcy A. Hutton
(Typed or printed name of person mailing paper or fee)

Darcy A. Hutton
(Signature of person mailing paper or fee)

Re: Mark: WELLS FARGO HORIZON
Application No.: 76/291,053
Applicant: Wells Fargo & Company
Opposer: First Tennessee National Corporation

Dear Sir:

Enclosed please find the following:

1. Notice of Opposition (Original and two (2) copies);
2. Certificate of Express Mail; and
3. A return receipt postcard.

The Commissioner is hereby authorized to charge the filing fee of \$300.00 and any additional payment, or credit any refund that may be due to our Deposit Account No. 50-0858.

Respectfully submitted,

Scott K. Haight / *EA*

Scott K. Haight
Attorney for Applicant