

ESTTA Tracking number: **ESTTA5116**

Filing date: **01/27/2004**

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

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Name	THE FINANCIAL TIMES LIMITED
Granted to Date of previous extension	01/31/2004
Address	THE FINANCIAL TIMES LIMITED Number One Southwark Bridge London, SE1 9HL UNITED KINGDOM

Attorney information	Ronald S. Kadden von Maltitz Derenberg Kunin Janssen & Giordano 60 East 42nd Street, Suite 4410 New York, NY 10165 UNITED STATES rkadden@vonmaltitz.com Phone:212-661-1400
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Applicant Information

Application No	76039378	Publication date	12/02/2003
Opposition Filing Date	01/27/2004	Opposition Period Ends	01/31/2004
Applicant	Financial Technology Research Institute, Inc.		
Address	TT-2 Bldg. 3-8-1 Nihonbashi Ningyocho, Chuo-ku Tokyo, 103-0031 JAPAN		

Goods/Services Affected by Opposition

Class 036. First Use: First Use In Commerce:

All goods and services in the class are opposed, namely: Financial research and distribution of information relating to creditworthiness of companies; provision of information relating to capital markets

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Application No	76039379	Publication date	12/09/2003
Opposition Filing Date	01/27/2004	Opposition Period Ends	
Applicant	Financial Technology Research Institute, Inc.		
Address	TT-2 Bldg. 3-8-1, Nihonbashi NingyochoChuo-ku Tokyo, 103-0031 JAPAN		

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Attachments	FTRIOpp127.pdf (9 pages)
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of Application Serial Nos. 76/039,378 and
76/039,379

Published in the OFFICIAL GAZETTE on December 2, 2003 and
December 9, 2003, respectively

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THE FINANCIAL TIMES LIMITED, :

Opposer, :

v. : Opposition No.

FINANCIAL TECHNOLOGY RESEARCH :

INSTITUTE, INC., :

Applicant. :

- - - - - x

NOTICE OF OPPOSITION

THE FINANCIAL TIMES LIMITED, a limited liability
company organized and existing under the laws of England,
located and doing business at Number One Southwark Bridge,
London SE1 9HL, England, believes it will be damaged by
registration of the marks shown in application Serial Nos.
76/039,378 and 76/039,379, and hereby opposes each such
application, the times for filing such Notice of Opposition
having been duly extended until January 31, 2004 for Serial

No. 76/039,378 and February 7, 2004 for Serial No. 76/039,379.

The grounds of this consolidated opposition are as follows:

1. (a) On May 2, 2000, Applicant filed application Serial No. 76/039,378, based on Sections 1(a) and 44(e), to register the mark FTRI and Design for “financial research and distribution of information relating to creditworthiness of companies; provision of information relating to capital markets.” Application Serial No. 76/039,378 claims a priority filing date of January 25, 2000 under Section 44(d).

(b) On August 7, 2003, Applicant deleted the Section 1(a) filing basis for application Serial No. 76/039,378.

(c) Upon information and belief, the opposed mark FTRI and Design was not used in the United States by Applicant before its claimed priority filing date of January 25, 2000.

2. (a) On May 2, 2000, Applicant filed application Serial No. 76/039,379, based on Sections 1(a) and 44(e), to

register the mark FTRI for “financial research and distribution of information relating to creditworthiness of companies; provision of information relating to capital markets.” Application Serial No. 76/039,379 claimed a priority filing date of January 25, 2000 under Section 44(d).

(b) On August 7, 2003, Applicant deleted the Section 1(a) and 44(e) filing bases for application Serial No. 76/039,379, deleted its claim of priority under Section 44(d), and substituted Section 1(b) as a filing basis.

3. Since long prior to the claimed priority filing date of application Serial No. 76/039,378 and the filing date of application Serial No. 76/039,379, Opposer and its predecessors in business (hereinafter, collectively, “Opposer”) have been one of the world’s leading business information companies. Opposer provides a broad range of business information, research, analysis and other services to a large audience of business people in the United States and many other countries.

4. Since long prior to the claimed priority filing date of application Serial No. 76/039,378 and the filing date of

application Serial No. 76/039,379, Opposer has owned and used the mark FT. Opposer has used the FT mark to identify, inter alia, newspapers, magazines, news features, conferences, journals, books, year books, research reports, analytical reports, newsletters, news or market reports, research services, and information services.

5. Since long prior to the claimed priority filing date of the application Serial No. 76/039,378 and the filing date of application Serial No. 76/039,379, Opposer's website, FT.COM has prominently displayed Opposer's FT mark. Opposer's FT.COM website offers and promotes a variety of financial information, research and analysis, including "FT Reports," "FT Research Services," and "FT Mobile" information services. Opposer's FT Reports have covered a wide variety of topics, including credit management and capital sources.

6. Since long prior to the claimed priority filing date of the application Serial No. 76/039,378 and the filing date of application Serial No. 76/039,379, Opposer has also used FT, the abbreviation of "Financial Times," as its trade name and as the distinctive part of the trade name of

its businesses, including FT Knowledge, a leading provider of financial training, the FT Research Centre, and FT Interactive Data, a leading provider of financial information and analytical software. The public has long identified and referred to Opposer and its renowned financial newspaper as FT.

7. Opposer's FT mark has been registered on the Principal Register in the United States Patent and Trademark Office under No. 1,785,461 of August 3, 1993 for services including "providing statistical business information", "business research, planning and consultation services," "financial analysis," and "financial management services." A copy of said registration is annexed hereto as Exhibit A Said registration is valid, subsisting, and incontestable. Opposer is the owner of said registration, the FT mark shown therein, and the good will of the business connected with and symbolized by said mark.

8. Millions of dollars worth of Opposer's goods and services have been marketed in the United States under Opposer's FT mark and names. The Financial Times newspaper is circulated in the United States and more than 100 other

countries. It currently has an average daily circulation of 450,000 copies worldwide and a readership of more than 1.6 million people. The FT.COM website is the world's leading audited business website, with more than 69,000 subscribers, 3.8 million unique users and over 65 million monthly page views.

9. Millions of dollars have been spent in advertising and promoting Opposer's goods and services under Opposer's FT mark and names. By reason of such activities, and the excellence and superior quality of Opposer's goods and services, its FT mark and names are among the most famous in the United States in the financial field, the target of Applicant's FTRI mark. The value of the good will symbolized by Opposer's FT mark and names is inestimable.

10. The FTRI mark shown in each of the opposed applications so closely resembles Opposer's prior FT mark and names as to be likely, when applied to Applicant's services to cause confusion, or to cause mistake, or to deceive. In application Serial No. 76/039,378, the initial FT portion of applicant's FTRI mark is displayed separate from the rest of the mark and in a typestyle identical to

that in which Opposer's FT mark has long been widely and prominently displayed.

11. All the acts complained of herein by Opposer have occurred without its consent.

12. If Applicant were granted registration of the FTRI mark shown in either or both of the opposed applications, it would obtain the prima facie right to use that mark and all marks likely to be confused therewith, for the services specified in the opposed application and all related goods and services. Such registration would thus be a source of damage and injury to Opposer.

13. Opposer cannot control the quality of Applicant's services. The use of the FTRI mark shown in either or both of the opposed applications would, therefore, place in jeopardy Opposer's valuable reputation symbolized by Opposer's FT mark and names.

WHEREFORE, Opposer prays that each of said applications Serial Nos. 76/039,378 and 76/039,379 be rejected and that the registration of the mark shown in

each opposed application for the services therein specified
be refused and denied.

VON MALTI TZ, DERENBERG, KUNI N,
JANSSEN & GIORDANO

By ___/Ronald S. Kadden/_____

Ronald S. Kadden
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New York, NY 10165
Telephone: 212-661-1400
Attorneys for Opposer

January 27, 2004

Int. Cls.: 16, 35, 36 and 41

Prior U.S. Cls.: 38, 101, 102 and 107

United States Patent and Trademark Office

Reg. No. 1,785,461

Registered Aug. 3, 1993

**TRADEMARK
SERVICE MARK
PRINCIPAL REGISTER**

FT

FINANCIAL TIMES LIMITED, THE (UNITED KINGDOM COMPANY)
ONE SOUTHWARK BRIDGE ROAD
LONDON SE1, ENGLAND SE1

FOR: PRINTED MATTER; NAMELY, NEWSPAPERS, JOURNALS AND MAGAZINES IN THE FIELDS OF BUSINESS AND FINANCE, IN CLASS 16 (U.S. CL. 38).

FOR: PROVIDING STATISTICAL BUSINESS INFORMATION; ADVERTISING AGENCY SERVICES; BUSINESS RESEARCH, PLANNING AND CONSULTATION SERVICES; DATA PROCESSING SERVICES IN THE FIELDS OF BUSINESS AND FINANCE; PREPARATION AND QUOTATION OF INFORMATION CONCERNING STOCK EXCHANGE PRICES AND INDICES, AND EXCHANGE RATES; PROVIDING BUSINESS MANAGEMENT, AUDIT, APPRAISAL, INFORMATION, CONSULTATION, SUPERVISION AND VALUATION SERVICES; COMPILING BUSINESS DIRECTORIES; PROVIDING MANAGEMENT PLANNING; AND PREPARING PROFIT APPRAISAL SURVEYS, IN CLASS 35 (U.S. CL. 101).

FOR: FINANCIAL ANALYSIS, CONSULTING, ASSESSMENT, AND VALUATION SERV-

ICES; INSURANCE UNDERWRITING SERVICES; FINANCIAL MANAGEMENT SERVICES; PREPARING FINANCIAL REPORTS; MONETARY EXCHANGE SERVICES; AND STOCKS AND BONDS BROKERAGE SERVICES, IN CLASS 36 (U.S. CL. 102).

FOR: EDUCATION SERVICES, NAMELY, CONDUCTING LECTURES, SEMINARS AND CONFERENCES IN THE BUSINESS AND FINANCIAL FIELDS, IN CLASS 41 (U.S. CL. 107).

OWNER OF UNITED KINGDOM REG. NO. A1278383, DATED 10-1-1986, EXPIRES 10-1-1993.

OWNER OF UNITED KINGDOM REG. NO. A1278382, DATED 10-1-1986, EXPIRES 10-1-1993.

OWNER OF UNITED KINGDOM REG. NO. A1278381, DATED 10-1-1986, EXPIRES 10-1-1993.

OWNER OF UNITED KINGDOM REG. NO. A1212293, DATED 2-7-1984, EXPIRES 2-7-2005.

SER. NO. 74-051,672, FILED 4-23-1990.

DOMINICK J. SALEMI, EXAMINING ATTORNEY

EXHIBIT A