

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

**In re Application Serial No. 78/464386 – AMBITION
Published: April 25, 2005.**

<u>SAFCO PRODUCTS CO.</u>	:	
	:	
	:	Opposer,
	:	
	:	v.
	:	Opposition No. 91165427
	:	
HNI TECHNOLOGIES, INC.	:	
	:	
<u>Applicant</u>	:	

PETITION TO ACCEPT ANSWER TO OPPOSITION AS TIMELY FILED

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

Applicant hereby petitions the Board to accept, as timely filed, the Answer filed by mail in this proceeding on July 13, 2005.

An Answer to the Notice of Opposition in the above-identified proceeding was filed by depositing it with the United States Postal Service on July 13, 2005.

A copy of the Answer is attached hereto as Exhibit A. As indicated by the Certificate of Service at page 5, the Answer was on the same date mailed to opposing counsel.

The copy of the Answer filed by U.S. mail was addressed to Arlington, Virginia, rather than Alexandria, Virginia. In all other respects the address was correct. Nonetheless, the U.S. Postal Service did not deliver the envelope, but returned it to the sender. Attached as Exhibit B



hereto is a copy of the envelope showing the mailing address as typed, the "returned to sender" sticker, and also showing the postmark of July 13, 2005.

As the Answer was mailed on the correct date, it is respectfully requested that the Answer be accepted as timely filed. As the Answer was properly served on opposing counsel in a timely manner, it is respectfully submitted that granting of this Petition will not prejudice the opposer herein.

The original Answer is also submitted herewith.

The Office is hereby authorized to charge any fees that may be associated with this Petition to Deposit Account No. 10-1202. A duplicate copy of this Petition is enclosed.

Respectfully submitted,

HNI TECHNOLOGIES, INC.

By: Sandra B. Weiss

Ronald A. Sandler

Sandra B. Weiss

JONES DAY

77 West Wacker

Chicago Illinois USA 60601-1692

Tel.: 312.782.3939

Fax: 312.782.8585

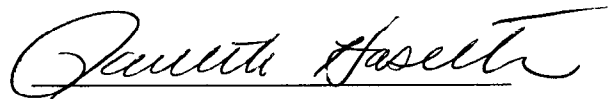
Counsel for Applicant

Petition to Accept Answer to Opposition as Timely Filed/No. 91165427

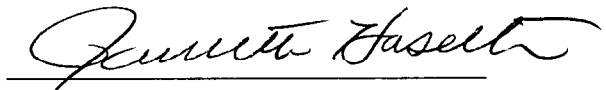
CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Petition to Accept Answer to Opposition as Timely Filed has been served upon counsel for Opposer by First Class United States Mail, postage-prepaid, properly addressed as follows on this 24th day of August, 2005 as follows:

Donald W. Niles
Michael A. Bondi
Kyle T. Peterson
PATTERSON, THUENTE, SKAAR & CHRISTENSEN, P.A.
4800 IDS Center
80 South Eighth Street
Minneapolis, Minnesota 55402-2100



I certify that this correspondence is being deposited within the United States Postal Service by First Class Mail, postage prepaid, in an envelope addressed to United States Patent and Trademark office, Trademark Trial and Appeal Board, P.O. Box 1451, Alexandria, Virginia 22313-1451 on August 24, 2005.





**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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COPY

SAFCO PRODUCTS CO. :

Opposer, :

v. : Opposition No. 91165427

HNI TECHNOLOGIES, INC. :

Applicant :

ANSWER

HNI Technologies Inc. an Iowa corporation, having an address at 414 East Third Street, Muscatine, Iowa 52761 ("Applicant"), by and through its attorneys, and in answer to the Notice of Opposition, states as follows:

1. Applicant seeks to register the mark AMBITION for FURNITURE as evidenced by the publication of the mark in the Official Gazette of April 26, 2005.

RESPONSE:

Admitted.

2. Opposer has been using the mark for a variety of chairs. Opposer owns U.S. Trademark Serial No. 78/604,609. The mark of Opposer is symbolic of extensive good will and consumer recognition built up by Opposer through substantial amounts of time and effort in advertising and promotion.

RESPONSE:

Applicant is without knowledge or information sufficient to form a belief as to the truth of the foregoing statement, and therefore denies the same.

3. Applicant's mark incorporates Opposer's entire mark.

RESPONSE:

Applicant is without knowledge or information sufficient to form a belief as to the truth of the foregoing statement, and therefore denies the same.

4. The respective goods of Opposer and Applicant are closely related, and would be promoted through the same channels of trade for provision to, sale to, and use by the same customers and purchasers, the same class of customers and purchasers, or represent a channel of goods through which Opposer might logically expand.

RESPONSE:

Applicant is without knowledge or information sufficient to form a belief as to the truth of the foregoing statement, and therefore denies the same.

5. In view of the similarity of the respective marks and the related nature of the goods of the respective parties, it is alleged that Applicant's mark so resembles Opposer's mark previously used in the United States, and not abandoned, as to be likely to cause confusion, or to cause mistake, or to deceive.

RESPONSE:

Applicant is without knowledge or information sufficient to form a belief as to the truth of the foregoing statement, and therefore denies the same.

6. The use and registration by Applicant of the mark in U.S. Application No. 78/464,386 is likely to cause confusion, mistake, deception of actual or prospective customers, consumers, or purchasers, as well as to the source of origin or affiliation as to their respective goods of Opposer or Applicant, all to the detriment and damage of Opposer within the meaning of Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

RESPONSE:

Applicant is without knowledge or information sufficient to form a belief as to the truth of the foregoing statement, and therefore denies the same.

7. The use and registration by Applicant of the mark in U.S. Applic. No. 78/464,386 will dilute the distinctive quality of Opposer's AMBITION mark and lessen the ability of Opposer to distinguish its products within the meaning of Section 43(c) of the Lanham Act of 1946, 15 U.S.C. § 1125(c).

RESPONSE:

Applicant is without knowledge or information sufficient to form a belief as to the truth of the foregoing statement, and therefore denies the same.

8. By reason of the foregoing, Opposer will be gravely damaged by the registration of Applicant's AMBITION and Design mark, because registration of that mark would be in violation of Opposer's trademark and trade name rights.

RESPONSE:

Applicant is without knowledge or information sufficient to form a belief as to the truth of the foregoing statement, and therefore denies the same.

Respectfully submitted,

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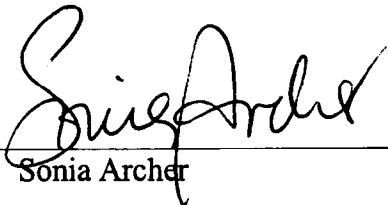
Counsel for Applicant

Answer to Opposition No. 91165427

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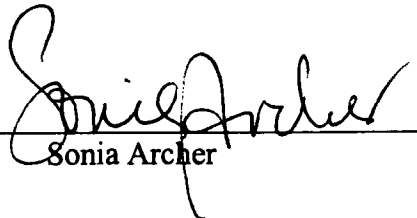
I hereby certify that a copy of the foregoing Answer has been served upon counsel for Opposer by First Class United States Mail, postage-prepaid, properly addressed as follows on this 13th day of July, 2005 as follows:

Donald W. Niles
Michael A. Bondi
Kyle T. Peterson
PATTERSON, THUENTE, SKAAR & CHRISTENSEN, P.A.
4800 IDS Center
80 South Eighth Street
Minneapolis, Minnesota 55402-2100

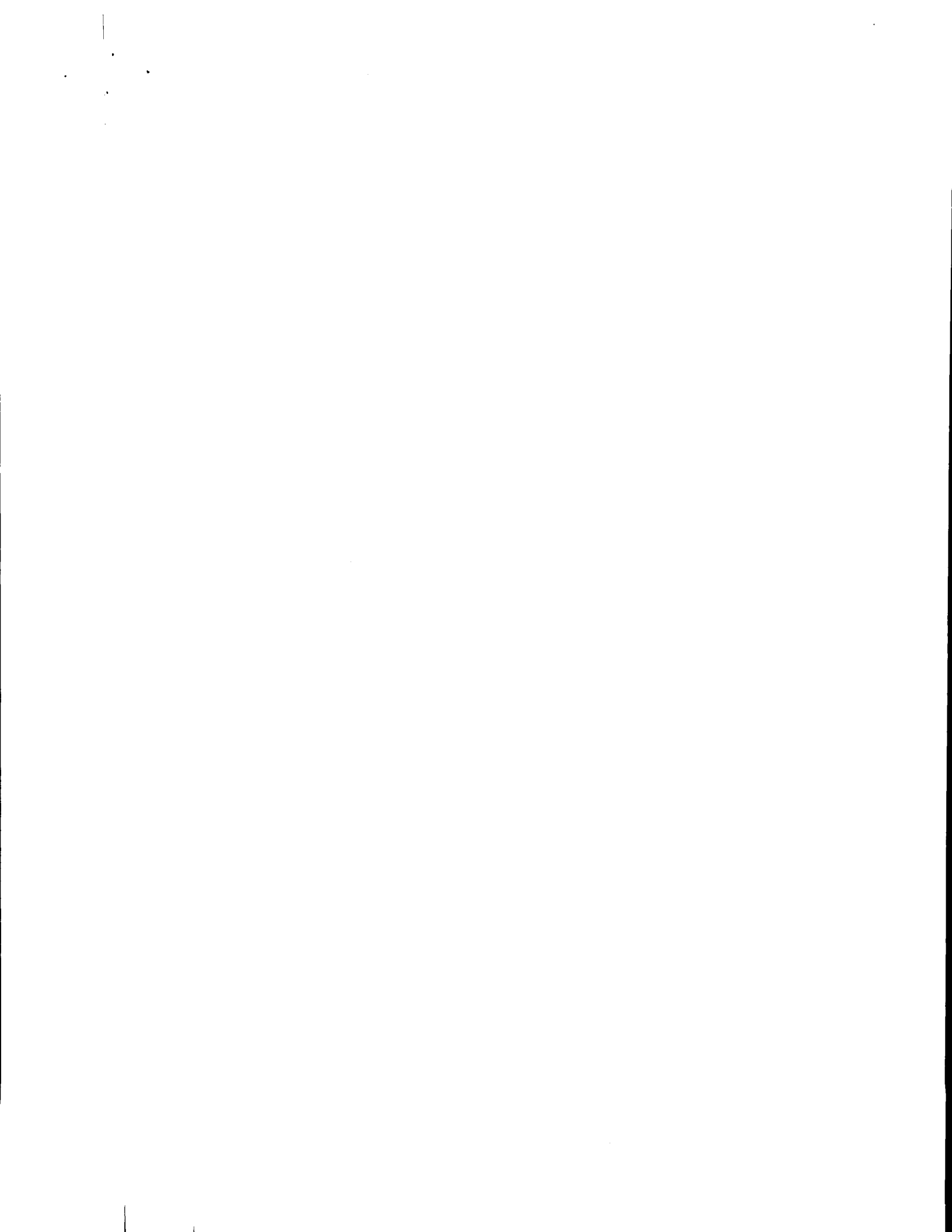


Sonia Archer

I certify that this correspondence is being deposited within the United States Postal Service by First Class Mail, postage prepaid, in an envelope addressed to United States Patent and Trademark office, Trademark Trial and Appeal Board, P.O. Box 1451, Arlington, VA 22313-1451 on July 13, 2005.



Sonia Archer



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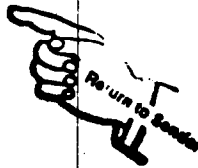
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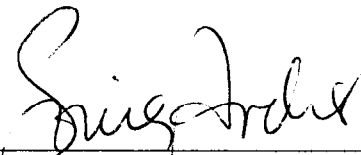
Counsel for Applicant

Answer to Opposition No. 91165427

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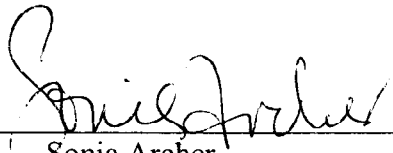
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