

ESTTA Tracking number: **ESTTA40427**

Filing date: **07/29/2005**

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

### Notice of Opposition

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

#### Opposer Information

<b>Name</b>	Aquent LLC
<b>Granted to Date of previous extension</b>	08/17/2005
<b>Address</b>	711 Boylston Street Boston, MA 02116 UNITED STATES

<b>Attorney information</b>	John L. Welch Foley Hoag LLP 155 Seaport Boulevard Boston, MA 02210 UNITED STATES jwelch@foleyhoag.com Phone:617-832-1000
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#### Applicant Information

<b>Application No</b>	76568018	<b>Publication date</b>	04/19/2005
<b>Opposition Filing Date</b>	07/29/2005	<b>Opposition Period Ends</b>	08/17/2005
<b>Applicant</b>	Acquent LLC 2070 Chain Bridge Road, Suite 150 Vienna, VA 22182		

UNITED STATES
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**Goods/Services Affected by Opposition**

Class 035. First Use: 20000801 First Use In Commerce: 20000801
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All goods and services in the class are opposed, namely: Business consultation in the filed of sales, business management services
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Class 041. First Use: 20000801 First Use In Commerce: 20000801
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All goods and services in the class are opposed, namely: Sales training
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<b>Related Proceedings</b>
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Opposition No. 91164326
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<b>Attachments</b>
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ACQUIENT & Design opposition.pdf ( 5 pages )
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<b>Signature</b>
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/johnlwelch/
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<b>Name</b>
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John L. Welch
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<b>Date</b>
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07/29/2005
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
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_____	)	
AQUENT LLC,	)	
	)	
Opposer,	)	
	)	
v.	)	Opposition No
	)	
ACQUIENT LLC,	)	
	)	Application S.N
Applicant.	)	76/568,018
_____	)	

OPPOSITION

In the matter of the application of Acquient LLC (hereinafter "Applicant") for registration of the mark ACQUIENT & Design depicted in Application Serial No. 76/568,018 published in the Official Gazette of April 19, 2005.

Aquent LLC, a Delaware limited liability company having its principal place of business at 711 Boylston Street, Boston, Massachusetts 02116 (hereinafter "Opposer"), believes that it will be damaged by registration of the mark depicted in Application Serial No. 76/568,018 and hereby opposes same.

The grounds for this opposition are as follows:

1. Applicant seeks to register the mark ACQUIENT as a service mark for "business consultation in the field of sales, business management services" (in international class 35), and "sales

training" (class 41).

2. The opposed Application Serial No. 76/568,018 was filed on December 18, 2003, claiming a first use date of August 1, 2000.

3. From a time prior to Applicant's filing date and alleged first use date, Opposer and its predecessors in interest have used the mark and name AQUENT in connection with a variety of services, including, inter alia, business management services; employment contracting and temporary help services; recruitment and placement of personnel, including marketing personnel; employment information services; and education and training services.

4. Opposer is the owner of U.S Service Mark Registration No. 2,289,555 for the mark AQUENT for "employment contracting and temporary help services; recruitment and placement of computer-skilled personnel on a temporary, contract, or permanent basis; recruitment and placement of information technology specialists on a temporary, contract, or permanent basis; recruitment and placement of graphic artists and multi-media specialists on a temporary, contract, or permanent basis; payroll transfer services; employment information services, namely the provision of employment opportunity information to prospective employees and the provision of resume information to prospective employees, by means of computer, facsimile, telephone, and other communication devices." (International class 35)

5. Opposer is also the owner of U.S. Service Mark Registration No. 2,409,082, for the mark AQUENT for "computer education training services; educational services, namely, conducting classes, seminars, conferences, and workshops, and distributing course materials in connection therewith, in the fields of computer information networks, multi-media and computer graphics, programming, computer operation and repair, and entrepreneurship and personal business management." (international class 41).

6. The services set forth in Application Serial No. 76/568,018 identical in part and otherwise closely related to the services in connection with which Opposer has used and is using its mark and name AQUENT. For example, on information and belief, as part of Applicant's business consultation and business management services and its sales training services, it provides, inter alia, executive search services, training and recruitment services, and advice on the training and recruitment of employees. In addition, on information and belief, Applicant's services are offered to the same class of customers who purchase Opposer's services offered under the mark and name AQUENT.

7. The applied-for mark ACQUIENT & Design is substantially similar to Opposer's mark and name AQUENT and is likely to cause confusion, mistake, and deception as to the source of Applicant's

services, all to Opposer's damage. Customers and potential customers are likely to believe that Applicant's services originate from, or are sponsored or approved by, Opposer, when that is not the case. Any dissatisfaction with Applicant's services will reflect upon and irreparably damage the reputation and goodwill of Opposer embodied in its mark and name AQUENT.

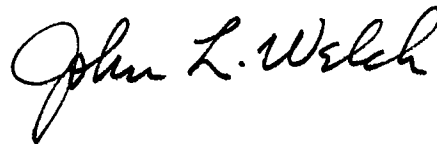
8. If Applicant is granted the registration herein opposed, it would thereby obtain a prima facie exclusive right to use of its mark, which would be a further source of damage to Opposer.

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WHEREFORE, Opposer believes that it will be damaged by registration of said mark, and prays that this Opposition be sustained, that Application Serial No. 76/568,018 be rejected, and that the mark applied for therein be refused registration.

The filing fee for this opposition in the amount of \$600.00 (two classes) is enclosed.

Aquent LLC.



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