

ESTTA Tracking number: **ESTTA60993**

Filing date: **01/09/2006**

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

Name	AMVESCAP PLC
Granted to Date of previous extension	01/08/2006
Address	30 Finsbury Square London, EC2A1AG UNITED KINGDOM

Attorney information	Douglas L. Bridges Alston & Bird LLC 1201 W. Peachtree St. Atlanta, GA 30309 UNITED STATES dbridges@alston.com Phone:404-881-4617
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Applicant Information

Application No	78343398	Publication date	07/12/2005
Opposition Filing Date	01/09/2006	Opposition Period Ends	01/08/2006
Applicant	Invescor, Ltd. 32901 Middlebelt Rd. Farmington Hills, MI 48334 UNITED STATES		

Goods/Services Affected by Opposition

Class 036. All goods and services in the class are opposed, namely: Insurance related services, namely insurance brokerage, marketing and underwriting for all types of life, life settlements, long term care, and disability insurance; and marketing fixed annuity related products

Attachments	ATL01-#12117741-v1-INVESCO_-_Notice_of_Opposition_to_INVESCOR.pdf (4 pages)
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Signature	/Douglas L. Bridges/
Name	Douglas L. Bridges
Date	01/09/2006

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

In the Matter of U.S. Application Serial No. 78/343,398

Mark: INVESCOR

Filing Date: January 9, 2006

AMVESCAP PLC

Opposer,

v.

INVESCOR, LTD.

Applicant.

Opposition _____

Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3514

NOTICE OF OPPOSITION

AMVESCAP PLC (“AMVESCAP” or “Opposer”), a United Kingdom Public Limited Company with its principal place of business at 30 Finsbury Square, London, EC2A1AG, United Kingdom, believes that it will be damaged by the registration of the mark shown in trademark application Serial No. 78/343,398 (the “Application”), filed by Invescor, Ltd. (“Applicant”) on December 19, 2003, for the mark “INVESCOR.” The Application was published for opposition on July 12, 2005. The Application is in International Class 36, for “Insurance related services, namely insurance brokerage, marketing and underwriting for all types of life, life settlements, long term care, and disability insurance; and marketing fixed annuity related products”

As grounds for its opposition, AMVESCAP alleges as follows:

1. AMVESCAP is one of the largest independent global investment managers in the world. AMVESCAP and its wholly-owned subsidiaries provide a comprehensive range of investment products for individuals and institutions around the world.

2. AMVESCAP's INVESCO division manages investment products that span a wide range of asset classes and alternative investments such as real estate and private capital. Products are marketed worldwide, including in the United States, to both individual and institutional clients.

3. Through its use of the INVESCO mark, AMVESCAP is the owner of the marks shown at Registration Nos. 1,825,441 (INVESCO); and 2,599,355 (INVESCO FUNDS), among others.

4. AMVESCAP's predecessors-in-interest first used the INVESCO mark at least as early as December, 1979, and since then AMVESCAP or its predecessors-in-interest have continuously used the mark "INVESCO" (hereinafter the "INVESCO Mark") in commerce to identify the financial and investment management services.

5. Through substantial advertising, promotion, and use in commerce, AMVESCAP's INVESCO Mark has become widely known by the public as identifying the financial services offered by AMVESCAP's INVESCO Division, and acquired such recognition since a date well prior to the date on which Applicant filed its Application.

6. On December 3, 1992, AMVESCAP's predecessor applied for and ultimately obtained U.S. Registration No. 1,825,441 for the mark INVESCO to identify investment management services. This Registration is now incontestable pursuant to 15 U.S.C. § 1065.

7. On May 10, 2001, AMVESCAP applied for and ultimately obtained U.S. Registration No. 2,599,355 for the mark INVESCO FUNDS to identify investment management services and mutual fund investment services.

8. Opposer is and will continue to be damaged by the sale and offering of Applicant's goods and services under the INVESCOR mark because the use of the mark for Applicant's insurance related services, namely insurance brokerage, marketing and underwriting for all types of life, life settlements, long term care, and disability insurance; and marketing fixed annuity related products falsely suggests a connection with Opposer's investment management services, or falsely suggests that Applicant is associated with or sponsored by Opposer.

9. Applicant's INVESCOR mark so resembles Opposer's INVESCO and INVESCO FUNDS marks, previously used in commerce in the United States and not abandoned, as to be likely, when used on or in connection with the goods and services of Applicant, to cause confusion or to cause mistake or to deceive.

10. Applicant is not now, and was not at the time it filed its Application, entitled to registration of the mark identified in the Application for the goods and services listed therein.

WHEREFORE, Opposer prays that the registration for which application has been made be rejected, that this opposition be sustained and that Opposer be granted such other different and additional relief as this Board deems just and proper.

Pursuant to 37 C.F.R. § 2.6(a)(17), credit card information sufficient to charge the required filing fee of \$300 is submitted concurrently herewith via the Electronic System for Trademark Trials and Appeals.

All correspondence in connection with this matter should be mailed to:

Douglas L. Bridges, Esq.
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One Atlantic Center
1201 West Peachtree Street
Atlanta, GA 30309-3424

Respectfully submitted, this 9th day of January, 2006

/s/ Douglas L. Bridges
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