

ESTTA Tracking number: **ESTTA684912**

Filing date: **07/21/2015**

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	ACCEL HOLDINGS L.L.C.
Granted to Date of previous extension	08/01/2015
Address	428 UNIVERSITY AVENUE PALO ALTO, CA 94301 UNITED STATES
Attorney information	Caitlin R. Brandon Barnes & Thornburg, LLP 11 S. Meridian St. Indianapolis, IN 46204 UNITED STATES cbrandon@btlaw.com, tmindocket@btlaw.com

**Applicant Information**

Application No	86449642	Publication date	06/02/2015
Opposition Filing Date	07/21/2015	Opposition Period Ends	08/01/2015
Applicant	Accelerant Management, LLC Suite B-005 Durham, NC 27701 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 036. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: venture capital financing and advisory services for technology companies
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**Grounds for Opposition**

Priority and likelihood of confusion	Trademark Act section 2(d)
Other	Opposer objects based on common law rights.

**Mark Cited by Opposer as Basis for Opposition**

U.S. Registration No.	1766176	Application Date	05/29/1990
Registration Date	04/20/1993	Foreign Priority Date	NONE
Word Mark	ACCEL		
Design Mark			

Description of Mark	NONE
Goods/Services	Class 036. First use: First Use: 1983/10/00 First Use In Commerce: 1983/10/00 financial portfolios management services rendered to institutions, and financial analysis and consulting services rendered to institutions, in each case excluding any depository, banking or funds transfer services or consulting services in connection with depository, banking or funds transfer services

Attachments	Accel Exhibit A Trademark Status & Document Retrieval.pdf(1539680 bytes ) Final Notice of Opposition ACCEL.pdf(73384 bytes )
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### **Certificate of Service**

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/cbrandon/
Name	Caitlin R. Brandon
Date	07/21/2015

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**Mark:** ACCEL

No Image exists for this case.

**US Serial Number:** 74063926

**Application Filing Date:** May 29, 1990

**US Registration Number:** 1766176

**Registration Date:** Apr. 20, 1993

**Register:** Principal

**Mark Type:** Service Mark

**Status:** The registration has been renewed.

**Status Date:** May 10, 2012

**Publication Date:** Jan. 26, 1993

## Mark Information

**Mark Literal Elements:** ACCEL

**Standard Character Claim:** No

**Mark Drawing Type:** 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

## Goods and Services

### Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [.] indicate deleted goods/services;
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*.\* identify additional (new) wording in the goods/services.

**For:** financial portfolios management services rendered to institutions, and financial analysis and consulting services rendered to institutions, in each case excluding any depository, banking or funds transfer services or consulting services  
depository, banking or funds transfer services

**International Class(es):** 036 - Primary Class

**U.S Class(es):** 101, 102

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Oct. 1983

**Use in Commerce:** Oct. 1983

## Basis Information (Case Level)

**Filed Use:** Yes

**Currently Use:** Yes

<b>Filed ITU:</b> No	<b>Currently ITU:</b> No
<b>Filed 44D:</b> No	<b>Currently 44D:</b> No
<b>Filed 44E:</b> No	<b>Currently 44E:</b> No
<b>Filed 66A:</b> No	<b>Currently 66A:</b> No
<b>Filed No Basis:</b> No	<b>Currently No Basis:</b> No

## Current Owner(s) Information

**Owner Name:** ACCEL HOLDINGS L.L.C.

**Owner Address:** 428 UNIVERSITY AVENUE  
PALO ALTO, CALIFORNIA 94301  
UNITED STATES

**Legal Entity Type:** LIMITED LIABILITY COMPANY **State or Country Where Organized:** DELAWARE

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Caitlin R. Brandon

### Correspondent

**Correspondent Name/Address:** Caitlin R. Brandon  
BARNES & THORNBURG, LLP  
11 South Meridian St.  
INDIANAPOLIS, INDIANA 46202  
UNITED STATES

**Phone:** 202-289-1313

**Fax:** 202-289-133

**Correspondent e-mail:** [hparksuk@btlaw.com](mailto:hparksuk@btlaw.com)

**Correspondent e-mail Authorized:** No

### Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Jun. 02, 2015	REVIEW OF CORRESPONDENCE COMPLETE - INFORMATION MADE OF RECORD	89122
Jun. 01, 2015	TEAS WITHDRAWAL OF ATTORNEY RECEIVED-FIRM RETAINS	
May 10, 2012	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - MAILED	
May 10, 2012	REGISTERED AND RENEWED (SECOND RENEWAL - 10 YRS)	67603
May 10, 2012	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	67603
May 07, 2012	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	67603
May 07, 2012	PAPER RECEIVED	

Dec. 29, 2010	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Aug. 18, 2008	CASE FILE IN TICRS	
Mar. 18, 2003	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	
Mar. 18, 2003	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Dec. 09, 2002	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
Dec. 09, 2002	PAPER RECEIVED	
Sep. 18, 1998	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	
Jun. 24, 1998	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Apr. 20, 1993	REGISTERED-PRINCIPAL REGISTER	
Jan. 26, 1993	PUBLISHED FOR OPPOSITION	
Dec. 28, 1992	NOTICE OF PUBLICATION	
Dec. 26, 1992	NOTICE OF PUBLICATION	
Nov. 18, 1992	APPROVED FOR PUB - PRINCIPAL REGISTER	
Nov. 09, 1992	JURISDICTION RESTORED TO EXAMINING ATTORNEY	
Jul. 22, 1992	CONTINUATION OF FINAL REFUSAL MAILED	
Mar. 12, 1992	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Jun. 25, 1992	CONTINUATION OF FINAL REFUSAL MAILED	
May 18, 1992	JURISDICTION RESTORED TO EXAMINING ATTORNEY	
Sep. 13, 1991	FINAL REFUSAL MAILED	
Apr. 30, 1991	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Nov. 01, 1990	NON-FINAL ACTION MAILED	
Oct. 12, 1990	ASSIGNED TO EXAMINER	68295

## Maintenance Filings or Post Registration Information

**Affidavit of Continued Use:** Section 8 - Accepted

**Affidavit of Incontestability:** Section 15 - Accepted

**Renewal Date:** Apr. 20, 2013

## TM Staff and Location Information

**TM Staff Information - None**

**File Location**

**Current Location:** GENERIC WEB UPDATE

**Date in Location:** May 10, 2012

**Assignment Abstract Of Title Information - Click to Load**

**Proceedings - Click to Load**

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

Accel Holdings, L.L.C.	)	
	)	
Opposer,	)	In the matter of trademark application
	)	Serial No. 86/449642; Published in the
v.	)	Official Gazette June 2, 2015
	)	
Accelerant Management, LLC	)	Opposition No. _____
	)	
Applicant.	)	

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**NOTICE OF OPPOSITION**

Accel Holdings, L.L.C, (“Opposer”) believes that it will be damaged by the registration of the mark ACCELERANT VENTURES shown in Serial No. 86/449642 (“Applicant’s Mark”) and hereby opposes the same.

As grounds for its opposition, Opposer alleges as follows:

1. Opposer is a preeminent provider of financial portfolio management and venture capital services in the United States and throughout the world. Opposer currently has offices in Palo Alto, California, New York, New York, London, United Kingdom, and Karnataka, India.
2. Opposer is the owner of active and incontestable U.S. Trademark Registration No. 1766176 for the mark ACCEL (“Opposer’s Mark”) in connection with financial portfolios management services rendered to institutions, and financial analysis and consulting services rendered to institutions, in each case excluding any depository, banking or funds transfer services or consulting services in connection with depository, banking or funds transfer services in Class 36. The application was filed

on May 29, 1990, and registered on April 20, 1993. The TSDR records evidencing the current status and ownership of Opposer's Mark are attached as Exhibit A.

3. Opposer has used Opposer's Mark in connection with financial portfolio management, financial analysis and consulting, and venture capital services (Collectively, "Opposer's Services") throughout the United States since at least as early as 1983, and has spent significant amounts of time and money promoting and advertising the ACCEL mark as a trademark in connection with Opposer's Services. As a result of this long and substantially exclusive use for over 20 years, ACCEL has acquired distinctiveness in the minds of relevant consumers.
4. Applicant seeks to register the mark ACCELERANT VENTURES in connection with "venture capital financing and advisory services for technology companies," ("Applicant's Services") as evidenced by its intent to use application filed November 10, 2014, and published in the Official Gazette on June 2, 2015.
5. Relevant consumers are used to seeing Applicant's Services provided by Opposer, and are likely to assume that Applicant's Services, when marketed and sold under a mark that wholly contains Opposer's Mark, emanate from or are endorsed by Opposer.
6. Applicant's Services are identical to or will be competitive with the services offered and sold by Opposer.
7. Applicant's Services are likely to be marketed and sold to the same purchasers and through the same channels of trademark Opposer's Services.
8. Applicant's Mark is likely to cause confusion, or to cause mistake or to deceive because relevant purchasers familiar with Opposer's Mark and with Opposer's

reputation as a leading provider of financial, consulting, and venture capital services are likely to believe that Opposer has endorsed or authorized Applicant's Services, or that Applicant or Applicant's Services are in some way affiliated with Opposer or related to Opposer, so as to create a likelihood of confusion as to the source of Applicant's Services.

9. Upon information and belief, Applicant has no rights in ACCEL prior to Opposer's rights.
10. Opposer would be injured by the granting to Applicant of the registration sought because Applicant's Mark so resembles Opposer's Mark as to be likely, when used on Applicant's Services, to cause confusion, or to cause mistake, or to deceive, to falsely suggest a connection with Opposer, and to damage Opposer's goodwill in Opposer's Mark.

WHEREFORE, Opposer believes that it will be damaged by the registration of ACCELERANT VENTURES to Applicant, and prays that the registration be denied.

Respectfully submitted,

Date: July 21, 2015

/s/ Caitlin R. Brandon

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Dwight D. Lueck  
Caitlin R. Brandon  
**BARNES & THORNBURG LLP**  
11 South Meridian Street  
Indianapolis, Indiana 46204  
Telephone: (317) 236-1313  
Attorneys for Opposer,  
Accel Holdings, L.L.C.



CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of this Notice of Opposition has been served by depositing a copy of the same in the United States mail, first class postage prepaid and properly addressed to:

Blake Simpson Fricks  
Smith Anderson  
PO Box 2611  
Raleigh, NC 27602-2611

this 21<sup>st</sup> day of July, 2015.

/s/ Kristina Tinsley