

ESTTA Tracking number: **ESTTA746782**

Filing date: **05/17/2016**

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	Argus Software, Inc.
Granted to Date of previous extension	05/18/2016
Address	750 Town and Country Blvd.Suite 800 Houston, TX 77024 UNITED STATES
Attorney information	Patrick J. Jennings Pillsbury Winthrop Shaw Pittman, LLP 1200 Seventeenth Street, NW Washington, DC 20036 UNITED STATES dctm@pillsburylaw.com

Applicant Information

Application No	86531892	Publication date	01/19/2016
Opposition Filing Date	05/17/2016	Opposition Period Ends	05/18/2016
Applicant	Argus Information and Advisory Services, LLC 1 North Lexington Avenue White Plains, NY 10601 UNITED STATES		

Goods/Services Affected by Opposition

Class 009. First Use: 1997/05/00 First Use In Commerce: 1997/05/00 All goods and services in the class are opposed, namely: Computer software for use in analysis, risk management, and marketing in the financial services field and warehousing of financial services data
Class 035. First Use: 1997/05/00 First Use In Commerce: 1997/05/00 All goods and services in the class are opposed, namely: Marketing consultancy and business riskmanagement provided to financial services institutions; data integration, namely, data processing services provided to financial services institutions; business data analysis for purposes of measuring the effectiveness of advertisements and targeting consumers; benchmarking for the financial services industry, namely,providing commercial information and market research information in the field of credit card, debit card, deposit, and other financial transactions
Class 036. First Use: 1997/05/00 First Use In Commerce: 1997/05/00 All goods and services in the class are opposed, namely: Financial consultancy and financial risk management provided to financial services institutions
Class 042. First Use: 1997/05/00 First Use In Commerce: 1997/05/00 All goods and services in the class are opposed, namely: Providing temporary use of non-downloadable web-based software for use in financial analysis, financial risk management, marketing in the financial field, and warehousing of financial data; data warehousing for financial services insti-

tutions

Grounds for Opposition

Priority and likelihood of confusion

Trademark Act Section 2(d)

Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	3284146	Application Date	01/19/2006
Registration Date	08/28/2007	Foreign Priority Date	NONE
Word Mark	ARGUS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 1986/01/01 First Use In Commerce: 1986/01/01 Computer software for asset valuation in the field of real estate; computer software for portfolio management, financial analysis, budgeting, discounted cash flow, analysis of commercial real estate assets and transactions, evaluation of market risks, analysis and calculation of financial aspects of leasing strategies, forecasting property and portfolio cash flows, calculation of investment values and returns, and transmitting data between and among others, all for use in the real estate industry		

Attachments

76653720#TMSN.png(bytes) Argus Opposition.pdf(516817 bytes)

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	/Pat Jennings/
Name	Patrick J. Jennings
Date	05/17/2016

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Argus Software, Inc.,)
)
 Opposer,)
)
 v.)
) Ser. No. 86/531,892
 Argus Information and Advisory Services, LLC,) Opp. No. _____
)
 Applicant.)

NOTICE OF OPPOSITION

Argus Software, Inc. (“Opposer”) is or will be damaged by the registration of the mark ARGUS in Ser. No. 86/531,892 and hereby opposes the registration of the same under 37 C.F.R. § 2.101(b). Allegations with respect to Opposer are based on actual knowledge. All other allegations are based on information and belief. As grounds for the opposition, Opposer, by its attorneys, aver as follows:

Opposer and its ARGUS Mark

1. Opposer is a Delaware corporation with an address of 750 Town and Country Blvd, Suite 800, Houston, Texas 77024.
2. Opposer is a wholly owned subsidiary of Altus Group Limited, a leading provider of independent commercial real estate consulting and advisory services, software, and data solutions.
3. For over twenty-five years, Opposer has provided computer software to the commercial real estate market under the federally registered ARGUS trademark.
4. Opposer’s ARGUS trademark registration, Reg. No. 3,284,146, was issued on August 28, 2007 and covers “computer software for asset valuation in the field of real estate;

computer software for portfolio management, financial analysis, budgeting, discounted cash flow, analysis of commercial real estate assets and transactions, evaluation of market risks, analysis and calculation of financial aspects of leasing strategies, forecasting property and portfolio cash flows, calculation of investment values and returns, and transmitting data between and among others, all for use in the real estate industry” in International Class 9.

5. Opposer has been using the ARGUS mark in commerce since at least as early as January 1, 1986.

6. Opposer’s registration for the ARGUS mark is valid, subsisting, and *prima facie* evidence of the validity and registration of the mark, Opposers’ ownership of the mark, and its exclusive right to use the mark in commerce on or in connection with the goods specified in the registration. Printouts from the United States Patent and Trademark Office’s Trademark Electronic Search System showing the status and title of Opposer’s ARGUS registration are attached as Exhibit A.

7. Opposer’s software products have become the industry standard and provide complete solutions for transacting, managing, and growing commercial real estate portfolio.

8. The leading owners, managers, financial institutions, REITs, brokerages, and appraisers in the commercial real estate market trust and use Opposer’s software to improve the visibility and flow of information throughout their critical business processes. These processes include asset management, asset valuation, portfolio management, budgeting, forecasting, financial reporting, acquisitions and dispositions, and underwriting.

Applicant and its ARGUS Mark

9. Argus Information and Advisory Services, LLC (“Applicant”) is a New York limited liability company with an address of 1 North Lexington Avenue, White Plains, New York 10601.

10. On February 11, 2015, Applicant filed a use-based application to register the mark ARGUS for use in connection with “Computer software for use in analysis, risk management, and marketing in the financial services field and warehousing of financial services data” in International Class 9; “Marketing consultancy and business risk management provided to financial services institutions; data integration, namely, data processing services provided to financial services institutions; business data analysis for purposes of measuring the effectiveness of advertisements and targeting consumers; benchmarking for the financial services industry, namely, providing commercial information and market research information in the field of credit card, debit card, deposit, and other financial transactions” in Class 35; “Financial consultancy and financial risk management provided to financial services institutions” in Class 36; and “Providing temporary use of non-downloadable web-based software for use in financial analysis, financial risk management, marketing in the financial field, and warehousing of financial data; data warehousing for financial services institutions” in International Class 42. The application contains a first use in commerce date of May 1997.

11. The United States Patent and Trademark Office published Applicant’s ARGUS application on January 19, 2016.

12. On February 18, 2016, Opposer filed and was granted a 90-day extension of the opposition deadline for Applicant’s ARGUS application.

13. Applicant's ARGUS mark, when used in connection with the goods and services in the published application, so resembles Opposer's ARGUS mark as to be likely to cause confusion, cause mistake, and deceive under 15 U.S.C. § 1052(d).

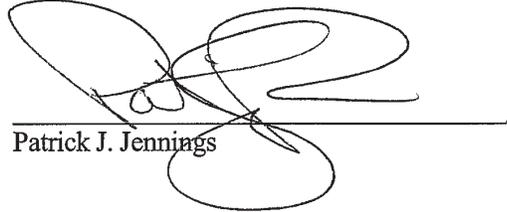
14. Opposer's rights in its ARGUS mark predate any rights Applicant could assert in its ARGUS mark.

WHEREFORE, Opposer respectfully requests that the Trademark Trial and Appeal Board refuse to register Applicant's ARGUS mark and sustain this opposition.

/Pat Jennings/
Patrick J. Jennings
Pillsbury Winthrop Shaw Pittman, LLP
1200 Seventeenth Street, NW
Washington, D.C. 20036
Phone: 202-663-8000

CERTIFICATE OF SERVICE

It is hereby certified that a copy of the foregoing "NOTICE OF OPPOSITION" has been served on Michael R. Friscia, of McCarter & English, LLP, with an address of 100 Mulberry Street, 4 Gateway Center, Newark, New Jersey 07102, via first class mail, postage prepaid, this 17th day of May 2016, and by e-mail at mfriscia@mccarter.com.



Patrick J. Jennings

Exhibit A

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36 and 38

United States Patent and Trademark Office

Reg. No. 3,284,146

Registered Aug. 28, 2007

**TRADEMARK
PRINCIPAL REGISTER**

ARGUS

REALM BUSINESS SOLUTIONS, INC. (DELA-
WARE CORPORATION)
3050 POST OAK BLVD., SUITE 900
HOUSTON, TX 77056

FOR: COMPUTER SOFTWARE FOR ASSET VA-
LUATION IN THE FIELD OF REAL ESTATE; COM-
PUTER SOFTWARE FOR PORTFOLIO
MANAGEMENT, FINANCIAL ANALYSIS, BUD-
GETING, DISCOUNTED CASH FLOW, ANALYSIS
OF COMMERCIAL REAL ESTATE ASSETS AND
TRANSACTIONS, EVALUATION OF MARKET
RISKS, ANALYSIS AND CALCULATION OF FI-
NANCIAL ASPECTS OF LEASING STRATEGIES,
FORECASTING PROPERTY AND PORTFOLIO
CASH FLOWS, CALCULATION OF INVESTMENT

VALUES AND RETURNS, AND TRANSMITTING
DATA BETWEEN AND AMONG OTHERS, ALL FOR
USE IN THE REAL ESTATE INDUSTRY, IN CLASS 9
(U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 1-1-1986; IN COMMERCE 1-1-1986.

THE MARK CONSISTS OF STANDARD CHAR-
ACTERS WITHOUT CLAIM TO ANY PARTICULAR
FONT, STYLE, SIZE, OR COLOR.

SER. NO. 76-653,720, FILED 1-19-2006.

SUSAN STIGLITZ, EXAMINING ATTORNEY