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

In the Matter of Application Serial No. 75/457,081: MISCELLANEOUS DESIGN  
(Bezel)

Published in the Official Gazette of June 5, 2001 in International Class 9

OLD WORLD INDUSTRIES, INC., )  
)  
and )  
)  
SPLITFIRE INTERNATIONAL, INC. )  
)  
Opposers )  
)  
v. )  
)  
AUTO METER PRODUCTS, INC., )  
)  
Applicant. )

Opposition No.

**NOTICE OF OPPOSITION**

Old World Industries, Inc. ("Old World"), an Illinois corporation with its principal place of business at 4065 Commercial Avenue, Northbrook, Illinois 60062-1851 and SplitFire International, Inc. ("SplitFire"), an Illinois corporation with its principal place of business at 4065 Commercial Avenue, Northbrook, Illinois 60062-1851, believe they will be damaged by the registration in Class 9 of the bezel shown in Application Serial No. 75/457,081 (the "Opposed Application"), filed by Auto Meter Products, Inc. ("Applicant"), and hereby oppose the same. In support of this opposition, Old World and SplitFire (collectively "Opposers") state as follows:

**Count I: Applicant's Bezel Has Not Acquired Secondary Meaning As A Trademark**

1. SplitFire, a wholly-owned subsidiary of Old World, manufactures and intends to continue manufacturing, marketing and selling automotive accessories, including automobile

CERTIFICATE OF EXPRESS MAIL UNDER 37 CFR 1.110  
"Express Mail" Mailing Label No: EL825350208US Date of Deposit: July 2, 2001

I, Christine Smola, hereby certify that the document to which this Certificate is affixed is being deposited with the United States Postal Service as Express Mail, postage prepaid, in an envelope addressed to: BOX TTAB, FEE, Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3513 on the Date of Deposit shown above.

*Christine Smola*

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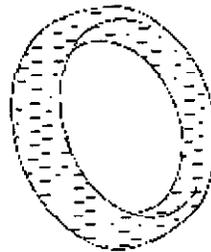
gauges having a bezel to hold and protect the cover of the gauge, in commerce between the United States and foreign nations, which gauges are sold under the trademark SPLITFIRE.

2. Old World intends to manufacture, market and sell automobile gauges in commerce. Said gauges will have a bezel to hold and protect the cover of the gauge.

3. Applicant manufactures, markets and sells automotive accessories, including automobile gauges having a bezel to hold and protect the cover of the gauge sold under the trademark AUTO METER.

4. Applicant's gauges are sold in competition with SplitFire's gauges and would also compete with those that Old World intends to manufacture.

5. The Opposed Application seeks to register the following bezel:



as a trademark for "automotive measuring instruments, namely, oil pressure, water temperature, vacuum, ammeter, volt meter, fuel pressure, fuel level, and oil temperature gauges, hourmeters, speedometers and tachometers for the automotive aftermarket."

6. Applicant's Opposed Application claims that the bezel has acquired secondary meaning as a trademark and is therefore entitled to registration under Section 2(f) of the Trademark Act.

7. SplitFire and others have for many years sold automotive gauges that include the bezel for which Applicant is seeking registration and claiming secondary meaning.

8. Applicant's use of the bezel shown in the Opposed Application has not been substantially exclusive and does not indicate Applicant as the source of the gauges.

9. The bezel shown in the Opposed Application has therefore not acquired secondary meaning as a trademark of the Applicant.

10. Applicant is therefore not entitled to registration of the bezel shown in the Opposed Application.

11. If Applicant were to obtain registration for the bezel shown in the Opposed Application, it would obtain legal benefits, including but not limited to a presumption that Applicant owns the design and has the right to prevent others from using the same or a similar design on goods that compete with those sold by the Applicant.

12. Registration of the bezel shown in the Opposed Application would therefore harm Opposers by potentially exposing Opposers to a threat of liability should they use the non-distinctive, functional bezel for which Applicant is seeking registration.

**Count II : Applicant's Bezel Does Not Function As A Trademark**

13. Opposers repeat and reallege Paragraphs 1-5 and 11-12 as though fully set forth herein.

14. The bezel shown in the Opposed Application holds the protective cover of the face of a gauge in place and reduces the likelihood that the protective cover will break.

15. The bezel shown in the Opposed Application serves as ornamentation for a gauge.

16. The bezel shown in the Opposed Application is merely functional and does not serve as a trademark.

17. The bezel shown in the Opposed Application is not entitled to registration as a trademark.

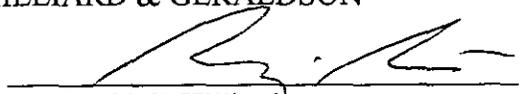
WHEREFORE, Opposers requests that this opposition be sustained and that Application Serial No. 75/457,081 be denied registration.

Opposers submits the requisite filing fee in the amount of \$300.00.

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