

ESTTA Tracking number: **ESTTA66278**

Filing date: **02/14/2006**

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	AB Melka
Granted to Date of previous extension	02/15/2006
Address	Datavägen 17 SE-436 83 Askim, SWEDEN

Attorney information	Timothy H Hiebert Samuels & Hiebert LLC Two International Place 23rd Fl Boston, MA 02110-4104 UNITED STATES hiebert@samuelsTM.com Phone:617-426-5553
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**Applicant Information**

Application No	78387272	Publication date	10/18/2005
Opposition Filing Date	02/14/2006	Opposition Period Ends	02/15/2006
International Registration No.	NONE	International Registration Date	NONE
Applicants	Poyzer, Michael James 299a Foxhill Road Carlton, Nottingham, NG4 1PX UNITED KINGDOM  Poyzer, Susan Mary 299a Foxhill Road Carlton, Nottingham, NG4 1PX UNITED KINGDOM		

**Goods/Services Affected by Opposition**

Class 012. All goods and services in the class are opposed, namely: Bicycles, tricycles, tandem bicycles and unicycles; bicycle, tricycle, tandem bicycle and unicycle parts, namely, frames both rigid and suspension, forks both rigid and suspension, wheels, rims, spokes, hubs, tires, inner tubes, rim tapes, chains and chainrings, bash guards and bash rings, bottom brackets, cranks, rear sprockets and spacers fitted on freehub cassette bodies, freewheels both single and multiple, freehubs and freehub bodies, pedals both standard and clipless, namely those attaching to shoes with cleats, toeclips and straps, derailleur gears both front and rear, rear hubs with fully enclosed multiple gears, gear change levers which connect mechanically, hydraulically, pneumatically or electronically with gears connected to the rear wheel, twist grip gear changers which fit on the handlebars and operate gears mechanically or hydraulically, handlebars, handlebar stems, seat posts and seat clamps, seats
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and saddles, caliper brakes, cantilever brakes, linear pull brakes, hub and disc brakes both mechanically and hydraulically operated, brake levers both mechanical and hydraulic, brake and gear control cables and hydraulic piping control assemblies, rear frame shock absorber units, chainguards and devices mounted around the front chainwheel to keep the chain in contact with the chainwheel teeth during extreme cycle sports; bicycle, tricycle, tandem bicycle and unicycle accessories namely, water bottle holders, saddle covers with padding, kickstands, fenders, luggage carrying racks fitted anywhere on the cycle, triathlon style handlebar extensions and attachments, child carrying seats fitted anywhere on the cycle, trailers for both luggage, children and pets, bags and cases for carrying cycles and wheels in transit, racks and trailers fitted to automobiles, caravans and motor homes which carry cycles, cycle repair workstands and cycle toolkits adapted to fit anywhere on the cycle

Class 025.

All goods and services in the class are opposed, namely: Clothing namely shirts and t shirts, blouses, skirts and dresses, vests, sweatshirts and hooded tops, sweaters, cardigans, underwear, trousers and jeans, gloves and mittens, jackets, overcoats and rainwear; Footwear, namely boots and shoes, including those designed for attaching to bicycle pedals plus the cleats and any other required hard wear, socks, overshoes and shoe liners all for everyday use or specifically designed for sporting activities; Headgear, namely hats, caps, bandanas, balaclavas, sweatbands, earwarmers.

Attachments	Notice of Opposition.PDF ( 4 pages )
Signature	/Timothy H. Hiebert/
Name	Timothy H. Hiebert
Date	02/14/2006

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

AB MELKA

Opposer

v.

SUSAN MARY POYZER and  
MICHAEL JAMES POYZER

Applicants

Mark: TENSILE

Ser. No. 78/387,272

Filed March 19, 2004

NOTICE OF OPPOSITION

AB Melka, a Swedish joint stock company located at Datavägen 17, SE-436 83 Askim, Sweden ("Opposer"), believes that it will be damaged by registration of the mark shown in the above-identified application and hereby opposes the same.

1. Opposer owns U.S. Registration No. 2,992,664 for TENSON ("Opposer's Mark") covering jackets, wind-resistance jackets, trousers, slacks, shorts, breeches, knickers, socks, stockings, shirts, parkas, ski jackets, anoraks, ski pants, warm-up pants, ski ensembles comprising any combination of jackets, parkas, ski pants, and warm-up pants, ski suits, track suits, swimming trunks, swimming costumes, bikinis, beach tops, t-shirts, tank tops and beach jackets ("Opposer's Goods"), dated September 6, 2005 and based on an application filed under Section 66(a) and having a filing date of February 2, 2004.

2. Applicants' application Serial No. 78/387,272 for TENSILE ("Applicants' Mark") covers bicycles, tricycles, tandem bicycles and unicycles; bicycle, tricycle, tandem bicycle and unicycle parts, namely, frames both rigid and suspension, forks both rigid and suspension, wheels, rims, spokes, hubs, tires, inner tubes, rim tapes chains and chainrings, bash guards and bash rings, bottom brackets, cranks, rear sprockets and spacers fitted on freehub cassette bodies, freewheels both single and multiple, freehubs and freehub bodies, pedals both standard and clipless, namely those attaching to shoes with cleats, toeclips and straps, derailleur gears both front and rear, rear hubs with fully enclosed multiple gears, gear change levers which connect mechanically, hydraulically, pneumatically or electronically with gears connected to the rear wheel, twist grip gear changers which fit on the handlebars and operate gears mechanically or hydraulically, handlebars, handlebar stems, seat posts and seat clamps, seats and saddles, caliper brakes, cantilever brakes, linear pull brakes, hub and disc brakes both mechanically and hydraulically operated, brake levers both mechanical and hydraulic, brake and gear control cables and hydraulic piping control assemblies, rear frame shock absorber units, chainguards and devices mounted around the front chainwheel to keep the chain in contact with the chainwheel teeth during extreme cycle sports; bicycle, tricycle, tandem bicycle and unicycle accessories namely, water bottle holders, saddle covers with padding, kickstands, fenders, luggage carrying racks fitted anywhere on the cycle, triathlon style handlebar extensions and attachments, child carrying seats fitted anywhere on the cycle, trailers for both luggage, children and pets, bags and cases for

carrying cycles and wheels in transit, racks and trailers fitted to automobiles, caravans and motor homes which carry cycles, cycle repair workstands and cycle toolkits adapted to fit anywhere on the cycle; and clothing namely shirts and t shirts, blouses, skirts and dresses, vests, sweatshirts and hooded tops, sweaters, cardigans, underwear, trousers and jeans, gloves and mittens, jackets, overcoats and rainwear; footwear, namely boots and shoes, including those designed for attaching to bicycle pedals plus the cleats and any other required hard wear, socks, overshoes and shoe liners all for everyday use or specifically designed for sporting activities; headgear, namely hats, caps, bandanas, balaclavas, sweatbands, earwarmers ("Applicants' Goods"). The application was filed under Section 44(e) on March 19, 2004, after the filing date of the application which resulted in Opposer's Registration No. 2,992,664.

3. Applicants' Mark is very similar to Opposer's Mark, and Applicants' Goods are identical or closely related to Opposer's Goods.

4. Potential customers for Opposer's Goods provided under Opposer's Mark are likely to become confused and deceived when they see Applicants' marketing materials, whereupon they may purchase Applicants' Goods provided under Applicants' Mark, believing that Applicants' Goods originate with Opposer, or that Applicants are associated or affiliated with Opposer. This likely confusion and deception harms Opposer.

5. If Applicants are granted the registration herein opposed, they would obtain thereby at least a prima facie exclusive right to the use of Applicants' Mark for Applicants' Goods. Such a registration would be a source of damage and injury to Opposer and would wrongfully and improperly hinder not only Opposer's present use of Opposer's Mark, but also Opposer's rightful future use and registration of Opposer's Mark.

6. Applicants are not the owner of the mark shown in Serial No. 78/387,272 because Opposer is the sole owner of Opposer's Mark and has granted no license, right or title in the mark to Applicants. Applicants are not entitled to the registration or the exclusive use of Applicants' Mark for Applicants' Goods, because Opposer has the prior and exclusive right to the registration and use of Opposer's Mark.

WHEREFORE, Opposer prays that application Serial No. 78/387,272 be rejected, and that registration of the mark shown therein sought for the goods therein specified be denied.

Respectfully submitted,

Date: February 14, 2006

/Timothy H. Hiebert/

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