

ESTTA Tracking number: **ESTTA87086**

Filing date: **06/26/2006**

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	FORD MOTOR COMPANY
Granted to Date of previous extension	06/25/2006
Address	ONE AMERICAN ROAD DEARBORN, MI 48126 UNITED STATES
Attorney information	ELIZABETH F. JANDA BROOKS KUSHMAN, P.C. 1000 TOWN CENTERSUITE 2200 SOUTHFIELD, MI 48075 UNITED STATES ejanda@brookskushman.com, smgibbons@brookskushman.com Phone:248-358-4400

Applicant Information

Application No	76634403	Publication date	12/27/2005
Opposition Filing Date	06/26/2006	Opposition Period Ends	06/25/2006
Applicant	Crysteel Manufacturing, Inc. 52182 Ember Road Lake Crystal, MN 560550178 UNITED STATES		

Goods/Services Affected by Opposition

Class 012. First Use: 2002/02/00 First Use In Commerce: 2002/02/00
All goods and services in the class are opposed, namely: TRUCK BODIES

Attachments	E-SERIES.pdf (4 pages)(110871 bytes)
Signature	/elizabeth f janda/
Name	ELIZABETH F. JANDA
Date	06/26/2006

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

In re Trademark Application Serial No. 76/634,403

Filed: March 28, 2005

Trademark: E-SERIES

Published in the *Official Gazette* at TM 637 on December 27, 2005

FORD MOTOR COMPANY)	
)	
Opposer,)	
)	
v.)	Opposition No. _____
)	
CRYSTEEL MANUFACTURING,)	
INC.)	
)	
Applicant.)	

NOTICE OF OPPOSITION

Commissioner for Trademarks
FILED ELECTRONICALLY
Alexandria, Virginia 22313-1451

Sir:

FORD MOTOR COMPANY ("FORD"), a Delaware corporation with a place of business at The American Road, Dearborn, Michigan 48121, believes that it is and will continue to be damaged by the Applicant's registration of the mark "E-SERIES" for "truck bodies" in Class 12 and hereby opposes registration of this mark.

As grounds for opposition, the Opposer alleges as follows:

1. The Applicant, CRYSTEEL MANUFACTURING, INC., is seeking to register the mark "E-SERIES" as a trademark for "truck bodies" in Class 12. This is evidenced by the

publication of the mark in the *Official Gazette* at Page TM 637 of the December 27, 2005 issue.

This application was filed on March 28, 2005.

2. The Opposer, FORD, designs, develops, manufactures, services, repairs, and sells motor vehicles and parts therefor and related products and services.

3. The Opposer has used the mark "E-SERIES" from the early to mid-1990s in connection with a line of automobiles, trucks, vans and chassis, which include cutaway vehicles on which customers can order and/or install various truck bodies.

4. Upon information and belief, the Applicant uses "E-SERIES" for truck bodies installed on Ford's "E-SERIES" cutaway vehicles or chassis.

5. The Opposer has expended considerable effort and expense in promoting its "E-SERIES" mark and the goods associated with this mark, with the result that the purchasing public has come to know and recognize the products of the Opposer by these marks. The Opposer has an exceedingly valuable good will established in its "E-SERIES" mark.

6. Opposer is the owner of U.S. Trademark Application Serial No. 78/819,280 for the mark E-SERIES and recently received an Office Action in which the Examiner cites this opposed application Serial No. 76/634,403 as a potential barrier to Opposer's application.

7. In addition, Opposer owns a Family of "E-" marks, including; E-150, E-250, E-350, E-450 and E-550.

8. There is no issue as to priority. The Opposer used the mark "E-SERIES" in connection with its goods long prior to the date of first use Applicant alleges in its Application Serial No. 76/634,403.

9. The mark for which the Applicant seeks registration, namely “E-SERIES” is identical to Opposer’s “E-SERIES” mark, and both parties’ marks are designated for use in connection with related goods in Class 12.

10. Since the mark and goods as described in the application are closely related to, and installed on, the goods Opposer manufactures, confusion and deception as to the origin of the Applicant's goods bearing the mark would occur, all to the damage and detriment of the Opposer. Such use would cause confusion in the trade resulting in damage and injury to the Opposer.

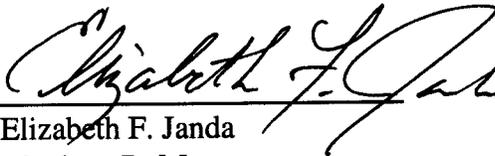
11. The Applicant's use or registration of the mark “E-SERIES” in connection with its designated goods, is likely to cause confusion, or to cause mistake, or to deceive as to the affiliation, connection, or association of the Applicant with the Opposer, or as to the origin, sponsorship or approval of the Applicant's goods and/or services by the Opposer.

12. If the Applicant were granted the registration herein opposed, it would obtain at least a *prima facie* exclusive right to use of the “E-SERIES” mark in connection with the designated goods. Such registration would be a source of injury and damage to the Opposer.

WHEREFORE, the Opposer, FORD MOTOR COMPANY, prays that Application Serial No. 76/634,403 for the mark “E-SERIES” be rejected, denied and refused.

The filing fee of \$300 and any additional fees as may be required under 37 C.F.R. § 2.6(a)(17), are to be charged to Ford Motor Company Account No. 06-1505.

Respectfully submitted,

By 
Elizabeth F. Janda
Matthew R. Mowers
Attorneys/Agents for Applicant

Date: June 26, 2005

BROOKS KUSHMAN P.C.
1000 Town Center, 22nd Floor
Southfield, MI 48075
Phone: 248-358-4400
Fax: 248-358-3351

Our File: FMCT 19159 OC