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September 5, 2006

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The Honorable Commissioner of
Patents and Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

Re: Nissan Jidosha Kabushiki Kaisha t/a Nissan Motor Co., Ltd.
and Nissan North America, Inc. v. Ford Motor Company
Trademark: **MUSTANG GT-R**
Serial No. 78/364,566
Our Ref.:103128.00002

Dear Sir:

Enclosed please find Notice of Opposition in regard to the above-captioned matter and check in the amount of \$300.00 to cover the filing fees.

Any additional fees should be charged to the deposit account of HOLLAND & KNIGHT LLP, Account No. 501-542.

Very truly yours,

HOLLAND & KNIGHT LLP


Carla Calcagno



09-05-2006

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #30

Enclosures

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

NISSAN JIDOSHA KABUSHIKI KAISHA	§	
T/A NISSAN MOTOR CO., LTD. and	§	
NISSAN NORTH AMERICA, INC.	§	Opposition No. _____
	§	
Opposers,	§	Serial No. 78364566
	§	
v.	§	Published: March 7, 2006
	§	
FORD MOTOR COMPANY,	§	
	§	
Applicant.	§	

NOTICE OF OPPOSITION

Nissan Jidosha Kabushiki Kaisha , a Japanese corporation, also trading as Nissan Motor Co. Ltd. ("NMCL") having a place of business at No. 2 Takaracho Kanagawa – ku, Yokahama - shi, Kanagawu-Ken, Tokyo, Japan, and Nissan North America, Inc, ("NNA") a California corporation, having a place of business at 333 Commerce Street, Nashville, Tennessee 37201-1800, believe they will be damaged by the registration of the mark MUSTANG GT-R, which is the subject of Application Serial No. 78/364,566, and opposes this application under the provisions of 15 U.S.C. § 1063.

Application Serial No. 78/364,566 was filed on February 9, 2004, on an intent-to-use basis, for the following goods: Motor vehicles, namely automobiles, trucks, vans, sport-utility vehicles, and their structural parts and engines, in International Class 12.

The mark was published for opposition in the Trademark Official Gazette on March 7, 2006, and extensions of time to oppose have been granted to both Opposers to and including September 3, 2006, a Sunday, the first non-holiday thereafter being September 5, 2006.

As grounds for the opposition, NMCL and NNA (collectively "Nissan" or "Opposers")

allege the following:

1. Opposers have been engaged for many years in the business, inter alia, of developing, manufacturing and selling automobiles and related goods and services.

2. Since well prior to the filing date of Applicant's opposed application, NMCL, through NNA and its related companies, has used the mark "GT-R" for automobiles and related parts and accessories. Such use also has involved the appearance of the "GT-R" mark on various publications associated with automobiles, at trade shows associated with automobiles, as well as use online to promote the automobiles at www.nissanusa.com.

3. Opposer, NMCL, is the owner of the following application to register the mark "NISSAN GTR" with the United States Patent and Trademark Office:

MARK	SER. NO.	FILING DATE	GOODS
NISSAN GTR	76/381,543	03/12/02	Motor vehicles, namely, automobiles, trucks, vans, sport utility vehicles and structural parts therefor, except tires

This application's filing date precedes Applicant's filing date for the application to register "MUSTANG GT-R."

4. Opposer, NMCL, through its NNA and its related companies, has prominently and extensively used, promoted and advertised its GT-R mark and promoted and advertised the NISSAN GT-R mark for automobiles for many years prior to the filing date of the opposed application.

5. As a result of Opposers' extensive investment and efforts in promoting the "GT-R" and the "NISSAN GT-R" marks, these marks have become uniquely associated with Opposers. Opposers now own a valuable goodwill represented by the "GT-R" and the "NISSAN GT-R" marks.

6. Applicant seeks registration of the mark "MUSTANG GT-R" for the goods: Motor vehicles, namely automobiles, trucks, vans, sport-utility vehicles, and their structural parts and engines in International Class 12.

7. Upon information and belief, Applicant, prior to February 2, 2004, the date the opposed application for "MUSTANG GT-R" was filed, had made no use of this designation for the goods identified in Paragraph 6, and February 2, 2004, is the earliest priority date that Applicant may claim in support of its applications.

8. Upon information and belief, Applicant's goods, as described in the opposed applications, and as presently offered or as intended to be offered, are directed to concept cars as well as production cars for sale in the United States.

9. Applicant's alleged mark "MUSTANG GT-R," consists of or comprises a mark that is essentially identical to Opposers' previously used "GT-R" mark and confusingly similar to Opposers' previously used and/or applied for mark "NISSAN GT-R" as to be likely, when used for the goods identified in Paragraph 6, to cause confusion, or to cause mistake or to deceive, in violation of Section 2(d) of the Trademark Act of 1946, 15 U.S.C. § 1052 (d).

10. Opposers are not connected in any way with the Applicant or the intended use by Applicant of the alleged mark "MUSTANG GT-R."

11. The registration of Applicant's mark would be inconsistent with Opposers' prior rights under their aforementioned "GT-R" and "NISSAN GT-R" marks, and would be damaging to Opposers.

WHEREFORE, Opposers request that Application Serial No. 78/364,566 be rejected, that no registrations be issued on this application, and that this opposition be sustained in favor of Opposers.

Respectfully submitted,

NISSAN JIDOSHA KABUSHIKI KAISHA
T/A NISSAN MOTOR CO., LTD. and
NISSAN NORTH AMERICA, INC.

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