

ESTTA Tracking number: **ESTTA101321**

Filing date: **09/27/2006**

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	Honda Motor Co., Ltd.
Granted to Date of previous extension	09/27/2006
Address	1-1, 2-Chome, Minami-Aoyama, Minato-Ku Tokyo, 107-8556 JAPAN

Attorney information	Mark G. Matuschak Wilmer Cutler Pickering Hale and Dorr LLP 60 State Street Boston, MA 02109 UNITED STATES mark.matuschak@wilmerhale.com, cora.han@wilmerhale.com Phone:617-526-5000
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Applicant Information

Application No	78339571	Publication date	05/30/2006
Opposition Filing Date	09/27/2006	Opposition Period Ends	09/27/2006
Applicant	Dalton, Michael Box 18137 670 Northland Blvd Cincinnati, OH 452180137 UNITED STATES		

Goods/Services Affected by Opposition

Class 035. First Use: 1999/10/05 First Use In Commerce: 1999/10/05 All goods and services in the class are opposed, namely: providing automotive dealerships managerial information concerning their Sales, Service, and Parts departments key financial indicators of how their dealership is performing via the Internet; and providing a web site featuring information about automobile dealerships, automobiles, automotive parts and accessories, at which users can link to the retail or wholesale web sites of others

Attachments	Dealer Dashboard Opposition.pdf (4 pages)(23906 bytes)
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Signature	/cora tung han/
Name	Cora Tung Han
Date	09/27/2006

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

In the Matter of Application Serial No. 78/339,571
Published in the Official Gazette of May 30, 2006 at TM 674
Mark: DEALERDASHBOARD

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Honda Motor Co., Ltd.,

Opposition No.

Opposer,

v.

Michael Dalton,

Applicant.

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Assistant Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513

NOTICE OF OPPOSITION

Opposer, Honda Motor Co., Ltd. (“Honda”), believes that it will be damaged by the registration of the trademark DEALERDASHBOARD as shown in the above-referenced trademark application and hereby opposes the same. As grounds for opposition, Honda alleges that:

1. Applicant, Michael Dalton (“Applicant”) has filed an application for registration of the mark DEALERDASHBOARD in International Class 35 for goods and services described as “providing automotive dealerships managerial information concerning their Sales, Service, and Parts departments key financial indicators of how their dealership is performing via the Internet; and providing a web site featuring information about automobile dealerships,

automobiles, automotive parts and accessories, at which users can link to the retail or wholesale web sites of others.”

2. This application was published for opposition on May 30, 2006, and Opposer has timely filed for, and the Trademark Trial and Appeal Board has granted, an extension of time to file an opposition until September 27, 2006.

3. Opposer, Honda Motor Co., Ltd. (“Honda”), is a corporation organized under the laws of Japan, located and doing business at 1-1, 2-Chome, Minami-Aoyama, Minato-Ku, Tokyo 107-8556 JAPAN. Honda, itself and through its subsidiaries, affiliates and related companies, manufactures, markets and sells, among other products, automobiles, motorcycles, motor scooters and all-terrain vehicles throughout the world.

4. Honda uses and/or has used the terms DEALER DASHBOARD and DASHBOARD on its internal company network, access to which is available only to authorized Honda automotive dealers.

5. “Dashboard” is a common term of art in the Internet industry, denoting a user interface for organizing and displaying key information. Honda uses and/or has used the terms DEALER DASHBOARD and DASHBOARD to describe a tool that presents information to its authorized dealers about their sales, service and parts departments.

6. Applicant’s DEALERDASHBOARD mark, if used in connection with “providing automotive dealerships managerial information concerning their Sales, Service, and Parts departments key financial indicators of how their dealership is performing via the Internet; and providing a web site featuring information about automobile dealerships, automobiles,

automotive parts and accessories, at which users can link to the retail or wholesale web sites of others” would be generic, or, at most, descriptive of such services.

7. If Applicant obtains the registration herein opposed, he would obtain a prima facie exclusive right to use of the DEALERDASHBOARD mark. Such registration would be a source of damage and injury to Opposer (and others) who currently use, or will use, the descriptive designations “Dealer Dashboard” or “Dashboard” to describe their own products, since it may subject them to an infringement suit.

8. Registration should, therefore, be refused pursuant to Section 2(e)(1) of the Trademark Act of 1946, as amended, 15 U.S.C. § 1052(e)(1), on the grounds that Applicant’s DEALERDASHBOARD mark is a generic term, or, at best, a merely descriptive term.

9. On information and belief, Applicant has also failed to use the mark DEALERDASHBOARD on all of the goods or services for which he seeks registration. Specifically, on information and belief, Applicant is not using the mark DEALERDASHBOARD in connection with “providing automotive dealerships managerial information concerning their Sales, Service, and Parts departments key financial indicators of how their dealership is performing via the Internet” as he has claimed in his application. Because Applicant’s identification of goods and services for registration contains false statements, Registration should be refused.

WHEREFORE, Honda respectfully requests that the Board sustain this opposition and deny the application for registration of the DEALERDASHBOARD mark.

The Commissioner is hereby authorized to charge the filing fee for this Notice of Opposition and any additional fees to our Deposit Account No. 08-0219.

Opposer appoints as its attorneys in this proceeding Mark G. Matuschak of the firm Wilmer Cutler Pickering Hale and Dorr LLP, 60 State Street, Boston, Massachusetts 02109, Dyan Finguerra-DuCharme of the firm Wilmer Cutler Pickering Hale and Dorr LLP, 399 Park Avenue, New York, New York 10022, and Cora Tung Han of the firm Wilmer Cutler Pickering Hale and Dorr LLP, 1875 Pennsylvania Ave., NW, Washington, DC 20006, to whom all correspondence in this proceeding should be addressed.

Respectfully submitted,

/s/ Mark G. Matuschak

By: _____

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Attorneys for Opposer Honda Motor Co., Ltd.

Dated: September 27, 2006