

ESTTA Tracking number: **ESTTA116020**

Filing date: **12/21/2006**

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	General Motors Corporation
Granted to Date of previous extension	12/24/2006
Address	300 Renaissance Center Detroit, MI 48265-3000 UNITED STATES

Attorney information	Timothy G. Gorbatoff General Motors Corporation 300 Renaissance CenterMC#482-C23-B21 Detroit, MI 48265-3000 UNITED STATES timothy.g.gorbatoff@gm.com Phone:313-665-4719
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Applicant Information

Application No	78744442	Publication date	06/27/2006
Opposition Filing Date	12/21/2006	Opposition Period Ends	12/24/2006
Applicant	The Parts Place, Inc. 2176 Paul Street Elburn, IL 60119 UNITED STATES		

Goods/Services Affected by Opposition

Class 012. First Use: 2003/01/01 First Use In Commerce: 2003/01/01
All goods and services in the class are opposed, namely: automobile wheel rims

Attachments	Notice of Opp.pdf (6 pages)(123871 bytes)
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Signature	/TGG/
Name	Timothy G. Gorbatoff
Date	12/21/2006

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

In the matter of:

Trademark: *H*
Serial No.: 78/744,442
Filed: 11/01/2005
Published: 06/27/2006

GENERAL MOTORS CORPORATION)
)
 Opposer,)
)
 v.)
)
THE PARTS PLACE, INC.)
)
 Applicant.)
_____)

Opposition No. _____

NOTICE OF OPPOSITION

Opposer, General Motors Corporation, believes it will be damaged by registration of the trademark shown in the above-identified application filed by Applicant, The Parts Place, Inc., and hereby opposes same, the time for opposition having been extended accordingly.

The grounds for opposition are as follows:

1. Opposer is a Delaware corporation with its headquarters and principal place of business at 300 Renaissance Center, Detroit, Michigan 48265.
2. Opposer manufactures, distributes and sells motor land vehicles and their parts and accessories under its H1, H2 and H3 trademarks (hereinafter, H# Marks).
3. Opposer first adopted and began using its famous H1 mark at least as early as 2001. Since then, Opposer has continuously used one or more of its H# Marks as

trademarks in connection with, inter alia, the manufacture, distribution and sale of motor land vehicles and their parts and accessories.

4. As a result of the continuous and extensive use of the H# Marks by Opposer, the H# Marks have become and continue to function as extremely well-known indicators to the consuming public of the high-quality motor land vehicle parts and accessories originating from Opposer.
5. Opposer has also engaged in licensing of its H# Marks for use in connection with, inter alia, the manufacture, distribution and sale of a wide variety of automotive and non-automotive goods, such as those which are the subject of the registrations and pending applications noted in the table below.
6. Opposer's success with the licensing of its H# Marks on automotive and non-automotive products further exemplifies the trade and public's association of Opposer's H# Marks with the high-quality products originating from Opposer and its authorized licensees.
7. Opposer is the owner of the following trademark registrations and pending applications for H# Marks:

MARK	REG. NO.	FILING DATE	GOODS
H1	Reg. No. 2,713,873	January 7, 2000	Motor land vehicles, namely trucks and sport utility vehicles, engines therefor and structural parts thereof.
HUMMER H1	Appl. Ser. No. 78/248,472 (Allowed)	May 12, 2003	Mobile radio communication devices, namely, mobile radios and walkie talkies; portable radios, portable stereo systems, CD players, personal stereos, and

			telephones
H2	Reg. No. 3,056,298	November 7, 2003	Deodorants, antiperspirants, facial cleansers, facial creams, facial scrubs, facial lotion, deodorant soap, non-medicated lip balm, cologne, perfume, after-shave gel, after-shave lotions, and shower gel
H2	Reg. No. 2,681,576	January 7, 2000	Motor land vehicles, namely trucks, sport utility vehicles, engines therefore and structural parts thereof
H2 (stylized)	Reg. No. 2,696,663	January 24, 2001	Motor land vehicles, namely, automobiles, sport utility vehicles, trucks, vans, engines therefore and structural parts thereof
H2 (stylized)	Reg. No. 2,707,075	March 20, 2001	Clothing, namely, aprons, caps, coats, dress shirts, gloves, golf shirts, hats, headbands, jackets, moccasins, neckties, overalls, pants, polo shirts, rainwear, slippers, socks, sun visors, sweat pants, sweaters, T-shirts and vests
H2 (stylized)	Reg. No. 2,604,940	March 20, 2001	Automotive books, paper and plastic bags for merchandise, bank checks, calendars, checkbook covers, etc.
H2 (stylized)	Reg. No. 2,741,769	March 20, 2001	Belt buckles for clothing not made of precious metal, embroidered emblems, hat pins, zipper pulls
H2 (stylized)	Reg. No. 2,625,051	March 20, 2001	Ingots of common metal, metal key rings, metal key fobs, etc.
H2 (stylized)	Reg. No. 2,686,547	March 20, 2001	Beverage glassware, bottle openers, insulating beverage wraps, plastic coasters, commemorative plates, etc.
HUMMER H2	Reg. No. 3,051,518	May 13, 2003	Mobile radio communication devices,

			namely, mobile radios and walkie talkies; portable radios, portable stereo systems, CD players, personal stereos, and telephones
H3	Reg. No. 3,058,165	October 15, 2003	Motor land vehicles, namely, trucks and sport utility vehicles, engines therefore and structural parts thereof
H3	Appl. Ser. No. 78/324,513 (Allowed)	November 7, 2003	Deodorants, antiperspirants, facial cleansers, facial creams, facial scrubs, facial lotion, deodorant soap, non-medicated lip balm, cologne, perfume, after-shave gel, after-shave lotions, and shower gel

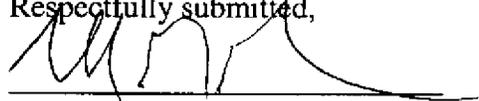
8. As a further, natural expansion of its use of H# marks, Opposer also filed its currently pending trademark Application Ser. No. 78/361,634 (Allowed) for the mark H4 on February 3, 2004 for motor land vehicles, namely automobiles, trucks, sport utility vehicles, vans, engines therefore and structural parts thereof.
9. On information and belief, Applicant, The Parts Place, Inc., is a company organized and existing under the laws of the State of Illinois with a principal place of business at 2176 Paul Street, Elburn Illinois 60119.
10. On November 1, 2005, Applicant filed an application to register *H* in International Class 12 for "automobile wheel rims". Applicant's *H* application was assigned Application Serial No. 78/744,442. Applicant's *H* application was filed: (i) more than five years after Opposer first filed for its H1 trademark, and (ii) after each of Opposer' above noted registrations and pending applications for its H1, H2, H3 and H4 trademarks.

11. The *H* mark in Application Serial No. 78/744,442 so resembles Opposer's H1, H2 and H3 trademarks registered and/or used in the United States and not abandoned, (i) as to be likely to cause confusion, or to cause mistake, or to deceive within the meaning of Section 2(d) of the Lanham Act, 15 U.S.C. §1052(d); and (ii) as to cause dilution of Opposer's famous H1, H2 and H3 trademarks within the meaning of Section 43(c) of the Lanham Act, 15 U.S.C. §1125(c).
12. Opposer will be damaged by the registration of Application Serial No. 78/744,442 insofar as the registration would be *prima facie* evidence of (a) the validity of the registration, (b) Applicant's ownership of the *H* mark for the goods specified in the registration, and (c) Applicant's exclusive right to use the *H* mark in commerce when, in fact, Applicant is not entitled to such rights by virtue of Opposer's prior continuous use and registration of the H1, H2 and H3 trademarks and Opposer's prior pending trademark application for the H4 trademark. Opposer will also be damaged by the registration of Application Serial No. 78/744,442 insofar as registration of *H* by the Applicant would cause dilution of Opposer's famous H1, H2 and H3 trademarks.

WHEREFORE, Opposer prays that Application Serial No. 78/744,442 be refused registration and this Notice of Opposition be sustained in favor of Opposer.

Date: December 21, 2006

Respectfully submitted,



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