

ESTTA Tracking number: **ESTTA163303**

Filing date: **09/18/2007**

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	Automotive Rentals, Inc.
Granted to Date of previous extension	09/22/2007
Address	9000 Midlantic Drive Mt. Laurel, NJ 08054 UNITED STATES

Attorney information	Steven M. Richman Duane Morris LLP 100 American Metro Blvd.Suite 150 Hamilton, NJ 08619 UNITED STATES smrichman@duanemorris.com Phone:(609) 631-2426
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Applicant Information

Application No	77033058	Publication date	07/24/2007
Opposition Filing Date	09/18/2007	Opposition Period Ends	09/22/2007
Applicant	Hall, L. Chris 8211 Sienna Skies Ct. Las Vegas, NV 89131 UNITED STATES		

Goods/Services Affected by Opposition

Class 037. First Use: 2006/04/30 First Use In Commerce: 2006/04/30
All goods and services in the class are opposed, namely: Automobile customization services

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	1247015	Application Date	08/30/1982
Registration Date	08/02/1983	Foreign Priority Date	NONE
Word Mark	FBE		
Design Mark			

Description of Mark	THE MARK CONSISTS OF THE LETTERS "FBE" IN FANCIFUL FORM.
Goods/Services	Class 012. First use: First Use: 1980/08/01 First Use In Commerce: 1980/08/01 Automotive Truck Bodies, Van Bodies, Platform Trailers, Towtrucks, Cabs Class 037. First use: First Use: 1980/08/01 First Use In Commerce: 1980/08/01 Custom Painting and Decal Installation on Vehicles; Custom Manufacturing of Automotive Truck Bodies; Van Bodies, Platform Trailers, Towtrucks and Cabs; Rustproofing Services

Attachments	73382564#TMSN.gif (1 page)(bytes) NOTICE OF OPPOSITION.pdf (4 pages)(96287 bytes)
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Signature	/Steven M. Richman/
Name	Steven M. Richman
Date	09/18/2007

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

In the Matter of the Application Serial No. 77-033058
Published in the *Official Gazette* of July 24, 2007

Mark: FB and design

AUTOMOTIVE RENTALS, INC.	:	
	:	NOTICE OF OPPOSITION
Opposer,	:	
	:	Opposition No.
v.	:	
	:	
L. CHRISTOPHER HALL,	:	
	:	
Applicant.	:	

Opposer, AUTOMOTIVE RENTALS, INC., a New Jersey corporation, having a principal place of business at 9000 Midlantic Drive, Mt. Laurel, NJ 08054 (hereafter referred to as “Opposer”), believes it will be damaged by registration of the mark in the above-identified application, and therefore hereby opposes registration of the mark FB and DESIGN in International Class 037 that is the subject of Application Serial No. 77-033058, published in the *Official Gazette* of July 24, 2007 and requests that registration to Applicant be refused. This Notice of Opposition is timely filed within the time granted in response to the request for a 30 day extension of time to oppose the mark, filed on August 21, 2007, and granted that same day.

As grounds in support of its opposition, Opposer asserts the following grounds for opposition:

1. Opposer is a large, international, privately-held fleet leasing and management company, formed in 1948 in response to an increased market demand for corporate fleet management programs. Among its business activity throughout the United States, it engages in

custom painting and decal installation on vehicles, custom manufacturing of automotive truck bodies; van bodies, platform trailers, towtrucks and cabs, as well as rustproofing services.

2. As part of the Opposer's family of companies, it acquired some years ago Fleet Body Equipment, a truck upfitting company that has been expanded to serve the specialized needs of Opposer's railroad-related fleet customers. Consequently, Opposer, for many years and since long prior to any date of first use upon which Applicant can rely, has adopted and continuously used the mark FBE as a trademark for the services identified in Paragraph 1, as well as for automotive truck bodies, van bodies platform trailers, towtrucks, and cabs.

3. The mark FBE has been used continuously and widely in the United States since August 1980 to identify the goods and services of Opposer and its predecessors in interest, and to distinguish them from the goods and services of others.

4. The trademark FBE is a distinctive, strong and famous mark.

5. Opposer is the owner of Registration No. 1247015 for Custom Painting and Decal Installation on Vehicles; Custom Manufacturing of Automotive Truck Bodies; Van Bodies, Platform Trailers, Towtrucks and Cabs; Rustproofing Services in IC 037 and Automotive Truck Bodies, Van Bodies Platform Trailers, Towtrucks, Cabs in IC 012. That registration is valid, subsisting, unrevoked and uncancelled, and is incontestable.

6. Opposer offers and sells goods bearing its marks and trade names through all channels of trade customary for such goods and services.

7. On or about October 31, 2006, Applicant L. Chris Hall, 8211 Sienna Skies Ct., Las Vegas, NV 89131 filed Application Serial No. 77-033058, to register FB and design as a trademark for "automobile customization services" in International Class 037. The Applicant claims color as a feature of the mark, namely, orange, gray, and black and further notes "[t]he

mark consists of an upper case letter stylized letter F in orange surrounded by a gray border with a thin black line forming the outermost edge, connected to an upper case orange letter B, also surrounded by a gray border with a thin black line forming the outermost edge.”

8. In response to Office Action the Applicant amended the application to state that “[a]pplicant does not believe that ‘FB’ has any special relevance in the relevant trade or industry, any geographical significance, or any meaning in a foreign language.”

9. Applicant’s mark so resembles Opposer’s previously used and registered mark FBE as to be likely, when applied to the goods and/or services set forth in Applicant’s application, to cause confusion, mistake, or deception within the meaning of Section 2(d) of the Lanham [Trademark] Act.

10. Opposer also believes that Applicant’s use and registration dilutes Applicant’s mark, giving Opposer a claim under Section 43(d) of the Lanham [Trademark] Act.

WHEREFORE, Opposer respectfully requests that this opposition be sustained and that registration to Applicant be refused.

This Notice of Opposition is submitted via ESTTA, and filing fees are submitted electronically herewith.

Respectfully submitted,

DUANE MORRIS LLP

By: /Steven M. Richman/
 Steven M. Richman

Dated: September 17, 2007

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