

ESTTA Tracking number: **ESTTA387574**

Filing date: **01/10/2011**

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	COFRA HOLDING AG
Granted to Date of previous extension	01/09/2011
Address	Grafenauweg 10 Zug, 6300 SWITZERLAND
Correspondence information	Howard J. Shire Kenyon & Kenyon LLP One Broadway New York, NY 10004 UNITED STATES tmdocketny@kenyon.com Phone:212-425-7200

Applicant Information

Application No	77916177	Publication date	07/13/2010
Opposition Filing Date	01/10/2011	Opposition Period Ends	01/09/2011
Applicant	11 Good Energy, Inc. Suite 800 4450 Belden Village Street Canton, OH 44718 UNITED STATES		

Goods/Services Affected by Opposition

Class 040. First Use: 2007/12/31 First Use In Commerce: 2007/12/31 All goods and services in the class are opposed, namely: Fuel refining
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Grounds for Opposition

False suggestion of a connection	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	3222100	Application Date	02/28/2006
Registration Date	03/27/2007	Foreign Priority Date	NONE
Word Mark	GOOD ENERGIES POWER FOR A BETTER WORLD		

Design Mark	GOOD ENERGIES POWER FOR A BETTER WORLD
Description of Mark	NONE
Goods/Services	Class 036. First use: First Use: 2005/11/00 First Use In Commerce: 2005/11/00 Investment services, namely, asset acquisition, consultation, advisory, development and management services; and related financial services, namely, financial analysis and consultation, financial forecasting, financial management, financial planning and financial research; all of said services in the field of renewable energy

U.S. Registration No.	3290572	Application Date	02/27/2006
Registration Date	09/11/2007	Foreign Priority Date	NONE
Word Mark	GOOD ENERGIES		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 036. First use: First Use: 2005/11/00 First Use In Commerce: 2005/11/00 Investment services, namely, asset acquisition, consultation, advisory, development and management services; and related financial services, namely, financial analysis and consultation, financial forecasting, financial management, financial planning and financial research; all of said services in the field of renewable energy		

U.S. Registration No.	3548776	Application Date	02/26/2007
Registration Date	12/23/2008	Foreign Priority Date	01/29/2007
Word Mark	GOOD ENERGIES POWER FOR A BETTER WORLD		



Description of Mark	The mark consists of the words "GOOD ENERGIES", in blue letters, below a design in blue and grey, and the words "POWER FOR A BETTER WORLD", in grey letters, below the words "GOOD ENERGIES".
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Goods/Services	<p>Class 035. First use: business management services and business management consultancy in the field of renewable energy production; providing business information relating to renewable energy production; procurement services for others, namely, purchase of goods for use in production of solar energy</p> <p>Class 036. First use: investment services, namely, asset acquisition, consultation, advisory, development and management services; and related financial services, namely, financial analysis and consultation, financial forecasting, financial management, financial planning and financial research; all of said services in the field of renewable energy</p> <p>Class 040. First use: environmental consultation in the field of renewable energy production</p> <p>Class 041. First use: educational services in the field of renewable energy production, namely, seminars, conferences, workshops and classes in the field of renewable energy production</p> <p>Class 042. First use: research for others in the field of renewable energy production; product and system research and development for others in the field of renewable energy production</p>
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U.S. Registration No.	3555783	Application Date	10/17/2006
Registration Date	01/06/2009	Foreign Priority Date	NONE

Word Mark	GOOD ENERGIES
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Design Mark	
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Description of Mark	NONE
Goods/Services	<p>Class 035. First use: Business management services and business management consultancy in the field of renewable energy production; providing business information relating to renewable energy production; procurement services for others, namely, purchase of goods for use in production of solar energy</p> <p>Class 040. First use: environmental consultation in the field of renewable energy production</p> <p>Class 041. First use: Educational services in the field of renewable energy production, namely, seminars, conferences, workshops and classes in the field of renewable energy production</p> <p>Class 042. First use: Research for others in the field of renewable energy production; product and system research and development for others in the field of renewable energy production</p>

Related Proceedings	A Notice of Opposition will simultaneously be filed for 77/916211
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Attachments	<p>78825191#TMSN.gif (1 page)(bytes) 78824446#TMSN.jpeg (1 page)(bytes) 77116423#TMSN.jpeg (1 page)(bytes) 77023049#TMSN.jpeg (1 page)(bytes) 77-916177.pdf (5 pages)(95500 bytes)</p>
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/HJS/
Name	Howard J. Shire
Date	01/10/2011

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

In re Application of : 11 Good Energy, Inc.
Serial No. : 77/916,177
Filed : January 20, 2010
For : 11 GOOD ENERGY & Design

Published Official Gazette
July 13, 2010

COFRA HOLDING AG,	-----X	
	:	
	:	
Opposer,	:	
	:	Opposition No.:
v.	:	
	:	
11 GOOD ENERGY, INC.,	:	
	:	
Applicant.	:	
	-----X	

NOTICE OF OPPOSITION

Cofra Holding AG (“Cofra” or “Opposer”), a corporation organized under the laws of the Switzerland and located at Grafenauweg 10, CH-6300 Zug, Switzerland, believes that it will be damaged by the registration of the above-identified mark, and hereby opposes registration thereof. The grounds of opposition are as follows:

1. Cofra filed a 60 Day Request for Extension of Time to Oppose Upon Consent in connection with 11 Good Energy, Inc.’s (“Applicant”) United States Trademark Application No. 77/916,177 (“Application”). The Request was granted by the Board, allowing Opposer until January 9, 2011 to file a Notice of Opposition against the Application.
2. By the application herein opposed, Applicant is seeking to obtain, under the provisions of the Trademark Act of 1946 (15 U.S.C. § 1051), registration for the mark 11 GOOD ENERGY & Design (hereinafter referred to as the “Applicant’s Mark”) in International Class 40 for “fuel refining” (hereinafter referred to as the “Applicant’s Mark”). The Application was filed on January 20, 2010

pursuant to Section 1(a) of the Lanham Act. The Application was published for opposition on July 13, 2010.

3. Opposer is the owner of the following federal trademark registrations:

GOOD ENERGIES POWER FOR A BETTER WORLD	3,222,100	Class 36 - investment services, namely, asset acquisition, consultation, advisory, development and management services; and related financial services, namely, financial analysis and consultation, financial forecasting, financial management, financial planning and financial research; all of said services in the field of renewable energy
GOOD ENERGIES	3,290,572	Class 36 - investment services, namely, asset acquisition, consultation, advisory, development and management services; and related financial services, namely, financial analysis and consultation, financial forecasting, financial management, financial planning and financial research; all of said services in the field of renewable energy
GOOD ENERGIES POWER FOR A BETTER WORLD and Design	3,548,776	<p>Class 35 - business management services and business management consultancy in the field of renewable energy production; providing business information relating to renewable energy production; procurement services for others, namely, purchase of goods for use in production of solar energy</p> <p>Class 36 - investment services, namely, asset acquisition, consultation, advisory, development and management services; and related financial services, namely, financial analysis and consultation, financial forecasting, financial management, financial planning and financial research; all of said services in the field of renewable energy</p> <p>Class 40 - environmental consultation in the field of renewable energy production</p> <p>Class 41 - educational services in the field of renewable energy production, namely, seminars, conferences, workshops and classes in the field of renewable energy production</p> <p>Class 42 - research for others in the field of renewable energy production; product and system research and development for others in the field of renewable energy production</p>
GOOD ENERGIES	3,555,783	<p>Class 35 - business management services and business management consultancy in the field of renewable energy production; providing business information relating to renewable energy production; procurement services for others, namely, purchase of goods for use in production of solar energy</p> <p>Class 36 - investment services, namely, asset acquisition, consultation, advisory, development and management services; and related financial services, namely, financial analysis and consultation, financial forecasting, financial management, financial planning and financial research; all of said services in the field of renewable energy</p> <p>Class 40 - environmental consultation in the field of renewable energy production</p> <p>Class 41 - educational services in the field of renewable</p>

		energy production, namely, seminars, conferences, workshops and classes in the field of renewable energy production
		Class 42 - research for others in the field of renewable energy production; product and system research and development for others in the field of renewable energy production

The above marks are collectively referred to herein as the “GOOD ENERGIES Marks” or “Opposer’s Marks.” The applications which led to these registrations were filed on February 27, 2006 (Reg. No. 3,290,572), February 28, 2006 (Reg. No. 3,222,100), October 17, 2006 (Reg. No. 3,555,783) and February 26, 2007 (Reg. No. 3,548,776), all of which predate the Applicant’s filing date of January 20, 2010.

4. The Application asserts that Applicant first used Applicant’s Mark on December 31, 2007.

5. On information and belief, Applicant did not use Applicant’s Mark prior to December 31, 2007 at the earliest.

6. The filing dates for the applications which led to Registration Nos. 3,290,572, 3,222,100, 3,555,783 and 3,548,776 pre-date the alleged date of first use of Applicant’s Mark.

7. Opposer, by virtue of its use of the GOOD ENERGIES Marks, and advertising and promotional efforts connected therewith, has created an association among consumers of the GOOD ENERGIES Marks with Opposer and has built up valuable goodwill associated with said marks. Additionally, as a result of its use, advertising, and promotion, Opposer’s GOOD ENERGIES Marks are not only inherently distinctive, but have acquired a substantial secondary meaning in the minds of consumers in connection with Opposer and its services.

8. Applicant’s Mark incorporates both identical elements and the same overall commercial impression as Opposer’s Marks, and is likely, when used in connection with the services specified in the Application, to cause confusion, or cause mistake, or to deceive, by falsely suggesting that Opposer is the source of such services, or that Opposer has authorized, sponsored, approved of, or in some manner

associated itself with the services of Applicant, thereby creating a likelihood of confusion, deception, or mistake, all to the damage of Opposer.

9. Any such confusion, deception, or mistake inevitably would result in loss of sales, damage, and injury to Opposer.

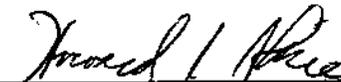
10. By reason of the foregoing, Applicant's registration of the mark herein opposed would cause significant damage and injury to Opposer and to Opposer's rights in Opposer's Marks. Thus, Applicant's mark should be denied registration under Section 2(d) of the Trademark Act (15 U.S.C. § 1052(d)).

11. The statutory fee of \$300, and any additional required fees, should be charged to the undersigned's Deposit Account No. 11-0600.

WHEREFORE, Opposer requests that the opposition to Application Serial No. 77/916,177 for the registration of 11 GOOD ENERGY & Design be sustained and the registration sought by Applicant be refused.

Respectfully submitted,

KENYON & KENYON LLP



Howard J. Shire

Dated: January 10, 2011

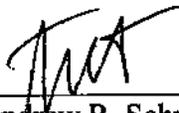
One Broadway
New York, New York 10004
(212) 425-7200
tmdocketny@kenyon.com

Attorneys for Opposer
Cofra Holding AG

CERTIFICATE OF SERVICE

I, Andrew R. Schmidt, hereby certify that a copy of the foregoing **Notice of Opposition** is being sent via first class mail, on January 10, 2010 to:

DAVID G. BURLESON
ZOLLINGER & BURLESON LTD.
PO BOX 2368
NORTH CANTON, OH 44720-0368
Attorney of Record for 11 Good Energy, Inc.



Andrew R. Schmidt