

ESTTA Tracking number: **ESTTA465972**

Filing date: **04/09/2012**

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 LLC
Granted to Date of previous extension	04/08/2012
Address	300 Renaissance Center Detroit, MI 48265-3000 UNITED STATES
Correspondence information	Timothy G. Gorbatoff Attorney General Motors LLC 300 Renaissance Center MC#482-C23-B21 Detroit, MI 48265-3000 UNITED STATES timothy.g.gorbatoff@gm.com Phone:313-665-4719

**Applicant Information**

Application No	85316787	Publication date	10/11/2011
Opposition Filing Date	04/09/2012	Opposition Period Ends	04/08/2012
Applicant	Dimarco, Mario 9435 North 125 Place Scottsdale, AZ 85259 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 012. All goods and services in the class are opposed, namely: Electric cars
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**Grounds for Opposition**

Priority and likelihood of confusion	Trademark Act section 2(d)
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**Marks Cited by Opposer as Basis for Opposition**

U.S. Registration No.	3850359	Application Date	01/09/2007
Registration Date	09/21/2010	Foreign Priority Date	NONE
Word Mark	VOLT		

Design Mark	<h1>VOLT</h1>		
Description of Mark	NONE		
Goods/Services	Class 012. First use: First Use: 2009/12/04 First Use In Commerce: 2009/12/04 Motor land vehicles, namely, automobiles		

U.S. Registration No.	3958624	Application Date	08/12/2009
Registration Date	05/10/2011	Foreign Priority Date	NONE
Word Mark	VOLT		
Design Mark	<h1>VOLT</h1>		
Description of Mark	NONE		
Goods/Services	Class 012. First use: First Use: 2010/12/13 First Use In Commerce: 2010/12/13 Extended range electric automobiles		

U.S. Registration No.	3881114	Application Date	08/12/2009
Registration Date	11/23/2010	Foreign Priority Date	NONE
Word Mark	VOLT		
Design Mark			
Description of Mark	The mark consists of the word "Volt" with a diagonal line through the "V".		
Goods/Services	Class 012. First use: First Use: 2009/12/04 First Use In Commerce: 2009/12/04 Motor land vehicles, namely, automobiles and extended range electric		

	automobiles		
U.S. Registration No.	3958625	Application Date	08/12/2009
Registration Date	05/10/2011	Foreign Priority Date	NONE
Word Mark	CHEVROLET VOLT		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 012. First use: First Use: 2010/12/13 First Use In Commerce: 2010/12/13 Extended range electric automobiles		

Attachments	77078768#TMSN.jpeg ( 1 page )( bytes ) 77802520#TMSN.jpeg ( 1 page )( bytes ) 77802570#TMSN.jpeg ( 1 page )( bytes ) 77802528#TMSN.jpeg ( 1 page )( bytes ) Vultbuggy - Notice of Opposition.PDF ( 4 pages )(416606 bytes )
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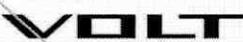
### Certificate of Service

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	/TGG/
Name	Timothy G. Gorbatoff
Date	04/09/2012



3. Opposer currently manufactures, distributes and sells an extended range electric vehicle called the VOLT.
4. Opposer first announced its intent to build and sell its VOLT electric vehicle at the 2007 North American International Auto Show.
5. Opposer first filed its trademark application for VOLT on January 9, 2007 for motor land vehicles, namely automobiles. Opposer's application was assigned Serial No. 77/078768.
6. Since that time, Opposer has spent hundreds of millions of dollars in the development, manufacture, marketing and advertising of its VOLT electric vehicle.
7. Opposer has since sold over 8,600 VOLT vehicles.
8. Opposer is the owner of the following United States trademark registrations for its VOLT marks, each of which is valid and enforceable:

<b>MARK</b>	<b>REG. NO.</b>	<b>GOODS</b>
VOLT	3850359	Motor land vehicles, namely automobiles
VOLT	3958624	Extended range electric vehicles
CHEVROLET VOLT	3958625	Extended range electric vehicles
	3881114	Motor land vehicles, namely automobiles and extended range electric vehicles

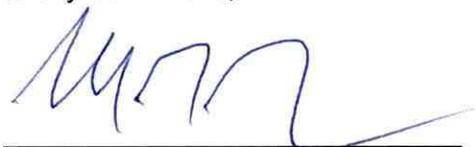
9. On information and belief, Applicant, Mario Dimarco, is an individual who currently resides at 9435 N. 125th Place, Scottsdale, AZ, 95259.
10. On May 10, 2011, Applicant filed an application to register VOLTBUGGY in International Class 12 for "Electric cars". Applicant's application was assigned Serial No. 85/316787.

11. Applicant's VOLTBUGGY application was filed more than four years after Opposer first filed applications for its VOLT trademarks.
12. The VOLTBUGGY mark in Application Serial No. 85/316787 so resembles Opposer's VOLT trademarks currently registered and not abandoned 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).
13. Opposer will be damaged by the registration of Application Serial No. 85/316787 insofar as the registration would be *prima facie* evidence of (a) the validity of the registration, (b) Applicant's ownership of the mark for the goods specified in the registration, and (c) Applicant's exclusive right to use the mark in commerce when, in fact, Applicant is not entitled to such rights by virtue of Opposer's registrations for VOLT

WHEREFORE, Opposer prays that Application Serial No. 85/316787 be refused registration and this Notice of Opposition be sustained in favor of Opposer.

Date: April 9, 2012

Respectfully submitted,



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Timothy G. Gorbatoff  
Attorney for Opposer  
General Motors LLC  
300 Renaissance Center  
MC #482-C23-B21  
Detroit, MI 48265-3000  
(313) 665-4719 phone  
(313) 665-4976 fax  
timothy.g.gorbatoff@gm.com

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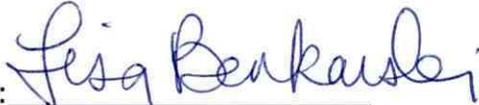
<b>General Motors LLC</b>	)	
	)	
<b>Opposer,</b>	)	<b>Opposition No. _____</b>
	)	<b>Serial No. 85/316787</b>
<b>v.</b>	)	<b>Mark: VOLTBUGGY</b>
	)	<b>Filing Date: May 10, 2011</b>
<b>Mario Dimarco</b>	)	<b>Publication Date: October 11, 2011</b>
	)	
<b>Applicant.</b>	)	

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**CERTIFICATE OF SERVICE**

I hereby certify that a true and complete copy of the foregoing **Notice of Opposition** has been served on the Correspondent of Record for applicant by mailing said copy on April 9, 2012, via First Class Mail, postage prepaid to:

Mario Dimarco  
9435 N. 125<sup>th</sup> Place  
Scottsdale, AZ 85259-6124

Signed by:   
Lisa Benkarski  
Legal Assistant  
General Motors LLC  
300 Renaissance Center  
Detroit, MI 48265-3000  
313-665-4697