

ESTTA Tracking number: **ESTTA468970**

Filing date: **04/25/2012**

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	Trek Bicycle Corporation		
Entity	Corporation	Citizenship	Wisconsin
Address	801 W. Madison Waterloo, WI 53594 UNITED STATES		

Attorney information	Mary Catherine Merz Merz & Associates, P.C. 1010 Lake Street, Suite 400 Oak Park, IL 60301 UNITED STATES docket@merz-law.com Phone:(708) 383-8801 x122		
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Applicant Information

Application No	85466945	Publication date	04/17/2012
Opposition Filing Date	04/25/2012	Opposition Period Ends	05/17/2012
Applicant	Tyrek, LLC Suite #106 172 Fifth Avenue Brooklyn, NY 11217 UNITED STATES		

Goods/Services Affected by Opposition

Class 025. All goods and services in the class are opposed, namely: footwear; gymwear, namely, sweat shirts, sweat pants, headbands and wristbands; wearing apparel, namely, hosiery, jeans, pants, shirts, shorts, sweaters, tanktops, t-shirts and underwear; headwear, namely, caps, hats and visors; outerwear, namely, coats, jackets and rainwear; accessories, namely, belts, gloves, mittens, neckties, scarves and suspenders

Applicant Information

Application No	85466966	Publication date	04/17/2012
Opposition Filing Date	04/25/2012	Opposition Period Ends	05/17/2012
Applicant	Tyrek, LLC Suite #106 172 Fifth Avenue Brooklyn, NY 11217 UNITED STATES		

Goods/Services Affected by Opposition

Class 025.

All goods and services in the class are opposed, namely: footwear; gymwear, namely, sweat shirts, sweat pants, headbands and wristbands; wearing apparel, namely, hosiery, jeans, pants, shirts, shorts, sweaters, tanktops, t-shirts and underwear; headwear, namely, caps, hats and visors; outerwear, namely, coats, jackets and rainwear; accessories, namely, belts, gloves, mittens, neckties, scarves and suspenders

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.	1168276	Application Date	04/21/1980
Registration Date	09/08/1981	Foreign Priority Date	NONE
Word Mark	TREK		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 012. First use: First Use: 1977/03/10 First Use In Commerce: 1977/03/10 Bicycles and Bicycle Frames		

U.S. Registration No.	1989281	Application Date	11/29/1994
Registration Date	07/23/1996	Foreign Priority Date	NONE
Word Mark	TREKKING		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 012. First use: First Use: 1996/01/00 First Use In Commerce: 1996/01/00 bicycles		

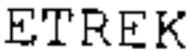
U.S. Registration No.	1994479	Application Date	10/03/1994
Registration Date	08/20/1996	Foreign Priority Date	NONE
Word Mark	TREK 100		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 039. First use: First Use: 1989/00/00 First Use In Commerce: 1989/00/00 providing ride support vehicles in competitive and recreational events, namely bicycle tours, bicycle races, and triathlons		

U.S. Registration No.	2060274	Application Date	10/06/1994
Registration Date	05/13/1997	Foreign Priority Date	NONE
Word Mark	TREK		
Design Mark			

Description of Mark	NONE
Goods/Services	<p>Class 009. First use: First Use: 1990/09/00 First Use In Commerce: 1990/09/00 cycling computers and head protective helmets for bicycle users</p> <p>Class 012. First use: First Use: 1993/01/00 First Use In Commerce: 1993/01/00 bicycles, bicycle frames, and a full line of parts and accessories for bicycles, namely, handlebars, [handlebar end extensions, handlebar stems,] seats, seat posts, seat post clamps and binder bolts, [tires, tire innertubes, pedals,] forks for supporting bicycles upon bicycle wheels, [bicycle suspensions, wheels and wheel rims,] water bottles, water bottle cages, bicycle mounted racks, [bicycle carrying racks for motor vehicles,] tools and tire repair kits for bicycles, lock holders, [audible warning devices, namely, bells for bicycles,] lighting systems for bicycles [and bicycle fenders]</p> <p>Class 028. First use: First Use: 1993/10/00 First Use In Commerce: 1993/10/00 exercise equipment, namely, stationary exercise cycles</p>

U.S. Registration No.	2687012	Application Date	03/01/2000
Registration Date	02/11/2003	Foreign Priority Date	NONE

Word Mark	ETREK
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Design Mark	
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Description of Mark	NONE
Goods/Services	<p>Class 035. First use: First Use: 2002/09/30 First Use In Commerce: 2002/09/30 On-line retail and wholesale store services, featuring a wide range of consumer products, except footwear, all provided via the Internet</p>

U.S. Registration No.	2708232	Application Date	08/29/1997
Registration Date	04/22/2003	Foreign Priority Date	03/03/1997

Word Mark	TREK
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Design Mark	
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Description of Mark	NONE
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Goods/Services	<p>Class 032. First use: First Use: 2002/06/30 First Use In Commerce: 2002/06/30 Non-alcoholic beverages sold in liquid form, namely, non-carbonated fruit juices, either alone or flavored with any or all of the following - water, herbs and spices (Based on Use in Commerce); non-carbonated drinking waters either alone or flavored with any or all of the following - herbs, spices, and natural fruit flavors (Based on Use in Commerce) and (Based on 44(e))</p>
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U.S. Registration No.	2742116	Application Date	10/04/2002
Registration Date	07/29/2003	Foreign Priority Date	NONE
Word Mark	TREK		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 012. First use: First Use: 1998/09/30 First Use In Commerce: 1998/09/30 bicycles and bicycle frames		

U.S. Registration No.	2745442	Application Date	01/05/1998
Registration Date	08/05/2003	Foreign Priority Date	NONE
Word Mark	TREK		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1988/06/00 First Use In Commerce: 1988/06/00 bicycling apparel, namely, bicycling jersey; form fitting and reinforced seat elastic shorts; ankle length socks; wind resistant jackets with enhanced visibility fabric, extra sleeve length, high collar and extended length back panel; vests with enhanced visibility fabric, high collar and extended length back panel Class 028. First use: First Use: 1988/06/00 First Use In Commerce: 1988/06/00 padded and reinforced fingerless bicycling gloves		

U.S. Registration No.	2876977	Application Date	09/27/2001
Registration Date	08/24/2004	Foreign Priority Date	NONE
Word Mark	TREKLITE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 1977/12/22 First Use In Commerce: 1979/07/17 orienteering equipment and clothing for outdoor sporting activities, namely, protective outer wear Class 025. First use: First Use: 1977/12/22 First Use In Commerce: 1979/07/17 orienteering equipment and clothing for outdoor sporting activities, namely, leggings, pants, gators, shirts, and jackets		

U.S. Registration No.	3031210	Application Date	06/28/2004
Registration Date	12/20/2005	Foreign Priority Date	NONE
Word Mark	TREK TRAVEL		

Design Mark	TREK TRAVEL
Description of Mark	NONE
Goods/Services	Class 039. First use: First Use: 2002/10/01 First Use In Commerce: 2002/10/01 Arranging travel tours featuring hiking, river rafting, whale watching, kayaking, and bicycling; cultural tours, namely, conducting sightseeing tours for others Class 041. First use: First Use: 2002/10/01 First Use In Commerce: 2002/10/01 Sporting and cultural activities related to bicycling, namely, wine tastings and cultural tours, namely, guided tours of wineries Class 043. First use: First Use: 2002/10/01 First Use In Commerce: 2002/10/01 Services for providing food and drinks and temporary lodging for those participating in bicycling activities and cultural activities related to bicycling, namely, hiking, river rafting, cultural tours, wine tastings, whale watching and kayaking

U.S. Registration No.	3042834	Application Date	07/08/2004
Registration Date	01/10/2006	Foreign Priority Date	NONE
Word Mark	TREK UNIVERSITY		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 2004/10/01 First Use In Commerce: 2004/10/01 Instructional and training services in the field of retailing bicycles, bicycle clothing and bicycle accessories, and in the fields of bicycle safety, bicycle recreation, bicycle service and bicycle repair		

U.S. Registration No.	3053077	Application Date	10/21/2003
Registration Date	01/31/2006	Foreign Priority Date	NONE
Word Mark	TREK		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 018. First use: First Use: 1993/01/31 First Use In Commerce: 1993/01/31 backpacks, [fanny packs,] textile tote bags, [hip packs,] messenger bags, rack trunks, saddle bags, bicycle seat packs, all purpose sports bags		

U.S. Registration No.	3066516	Application Date	11/06/2002
Registration Date	03/07/2006	Foreign Priority Date	NONE
Word Mark	TREKER		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 012. First use: First Use: 2002/11/00 First Use In Commerce: 2002/11/00 OFF-ROAD ALL-TERRAIN UTILITY VEHICLES		

U.S. Registration No.	3397739	Application Date	07/03/2007
Registration Date	03/18/2008	Foreign Priority Date	NONE
Word Mark	TREK BICYCLE STORE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 1996/09/01 First Use In Commerce: 1996/09/01 retail stores featuring bicycles		

U.S. Registration No.	3516346	Application Date	03/27/2008
Registration Date	10/14/2008	Foreign Priority Date	NONE
Word Mark	TREK		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 2002/09/30 First Use In Commerce: 2002/09/30		

	On-line retail and wholesale store services featuring a wide range of consumer products except footwear all provided via the Internet		
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U.S. Registration No.	3576106	Application Date	07/31/2008
Registration Date	02/17/2009	Foreign Priority Date	NONE
Word Mark	TREK STOP		
Design Mark	<h1>TREK STOP</h1>		
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 2008/06/30 First Use In Commerce: 2008/06/30 retail vending services in the field of automated vending machines that dispenses bicycle parts, bicycle accessories, energy bars, beverages and gels		

U.S. Registration No.	3653169	Application Date	02/05/2008
Registration Date	07/14/2009	Foreign Priority Date	NONE
Word Mark	TREK 100		
Design Mark	<h1>Trek 100</h1>		
Description of Mark	NONE		
Goods/Services	Class 036. First use: First Use: 1989/05/01 First Use In Commerce: 1989/05/01 Charitable fund raising services by means of bicycle rides and entertainment events		

U.S. Registration No.	3709688	Application Date	05/16/2008
Registration Date	11/10/2009	Foreign Priority Date	NONE
Word Mark	TREK		

Design Mark	<h1>Trek</h1>		
Description of Mark	NONE		
Goods/Services	Class 032. First use: First Use: 2009/08/10 First Use In Commerce: 2009/08/10 Powders used in the preparation of sports drinks and energy drinks		

U.S. Registration No.	3789682	Application Date	08/05/2009
Registration Date	05/18/2010	Foreign Priority Date	NONE
Word Mark	TREK		
Design Mark	<h1>TREK</h1>		
Description of Mark	NONE		
Goods/Services	Class 036. First use: First Use: 1989/05/01 First Use In Commerce: 1989/05/01 Charitable fund raising services by means of bicycle rides and entertainment events		

U.S. Registration No.	3798045	Application Date	02/05/2008
Registration Date	06/08/2010	Foreign Priority Date	NONE
Word Mark	TREK		

Design Mark	<h1>Trek</h1>		
Description of Mark	NONE		
Goods/Services	Class 028. First use: First Use: 2000/04/28 First Use In Commerce: 2000/04/28 Exercise equipment, namely, stationary trainers for use with bicycles		

U.S. Registration No.	3900734	Application Date	06/17/2010
Registration Date	01/04/2011	Foreign Priority Date	NONE
Word Mark	TREK		
Design Mark	<h1>Trek</h1>		
Description of Mark	NONE		
Goods/Services	Class 012. First use: First Use: 2009/08/01 First Use In Commerce: 2009/08/01 Electric Bikes		

U.S. Registration No.	3900782	Application Date	07/15/2010
Registration Date	01/04/2011	Foreign Priority Date	NONE
Word Mark	TREK		

Design Mark	<h1>TREK</h1>		
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 2007/10/11 First Use In Commerce: 2007/10/11 Conducting workshops and seminars in properly fitting bicycles for individual bicyclists; Instruction in the field of properly fitting bicycles for individual bicyclists		

U.S. Registration No.	3979036	Application Date	02/17/2010
Registration Date	06/14/2011	Foreign Priority Date	NONE

Word Mark	TREK
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Design Mark			
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Description of Mark	The mark consists of a stylized shield design, on which appears 4 vertical curved lines. The word "TREK" appears on the top border of the shield design.		
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Goods/Services	Class 025. First use: First Use: 2010/08/31 First Use In Commerce: 2010/08/31 Cycling apparel, namely, jerseys and shorts, hats, tshirts		
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U.S. Registration No.	4077999	Application Date	11/18/2010
Registration Date	12/27/2011	Foreign Priority Date	NONE

Word Mark	PRO TREK
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Design Mark	PRO TREK
Description of Mark	NONE
Goods/Services	Class 014. First use: First Use: 2011/05/01 First Use In Commerce: 2011/05/01 electronic wrist watches

U.S. Registration No.	4021852	Application Date	11/10/2010
Registration Date	09/06/2011	Foreign Priority Date	NONE
Word Mark	TREK BICYCLES OF TUCSON		
Design Mark			
Description of Mark	The mark consists of standard letters with the word "Trek" on top of the words "Bicycles of Tucson".		
Goods/Services	Class 035. First use: First Use: 2007/06/04 First Use In Commerce: 2007/06/04 Retail stores featuring bicycles		

U.S. Application No.	85085438	Application Date	07/15/2010
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	TREK		
Design Mark			
Description of	NONE		

Mark	
Goods/Services	Class 041. First use: Health club services, namely, providing instruction and equipment in the field of physical exercise; Providing assistance, personal training and physical fitness consultation to individuals to help them make physical fitness, strength, conditioning, and exercise improvement in their daily living; Providing fitness and exercise facilities; Training services in the field of physical exercise

Attachments	75933601#TMSN.gif (1 page)(bytes) 78171262#TMSN.gif (1 page)(bytes) 76599435#TMSN.gif (1 page)(bytes) 78447581#TMSN.jpeg (1 page)(bytes) 77221529#TMSN.jpeg (1 page)(bytes) 77433264#TMSN.jpeg (1 page)(bytes) 77536257#TMSN.jpeg (1 page)(bytes) 77388493#TMSN.jpeg (1 page)(bytes) 77476296#TMSN.jpeg (1 page)(bytes) 77797825#TMSN.jpeg (1 page)(bytes) 77388536#TMSN.jpeg (1 page)(bytes) 85065052#TMSN.jpeg (1 page)(bytes) 85085570#TMSN.jpeg (1 page)(bytes) 77937970#TMSN.jpeg (1 page)(bytes) 85179666#TMSN.jpeg (1 page)(bytes) 85173419#TMSN.jpeg (1 page)(bytes) 85085438#TMSN.jpeg (1 page)(bytes) 23574not.opp.consolidated.pdf (10 pages)(130870 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	/Mary Catherine Merz/
Name	Mary Catherine Merz
Date	04/25/2012

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

In re Application Serial Nos. 85/466,945 and 85/466,966
For: TYREK; TYREK and Design
Both Filed: November 8, 2011
Date of Publication: April 17, 2012

TREK BICYCLE CORPORATION)	
)	
Opposer,)	
)	
v.)	Consolidated Opposition
)	No. _____
TYREK, LLC)	
)	
Applicant.)	

CONSOLIDATED NOTICE OF OPPOSITION

Opposer, Trek Bicycle Corporation ("Opposer"), a Wisconsin corporation with its principal place of business at 801 West Madison, Waterloo, Wisconsin 53594, believes it will be damaged by registration of (1) the standard character word mark TYREK, Serial No. 85/466,945, and (2) the mark TYREK and Design, Serial No. 85/466,966 (together "Applicant's Marks"), and hereby opposes the same, in accordance with Section 13 of The Trademark (Lanham) Act of 1946, 15 U.S.C. §1063.

In re Serial Nos.: 85/466,945
and 85/466,966
Opposer: Trek Bicycle Corporation

As grounds for the opposition, Trek alleges as follows:

1. Upon information and belief, Applicant is a limited company organized under the laws of New York, with its principal place of business at 172 Fifth Avenue, Suite 106, Brooklyn, New York 11217.

2. As evidenced by the publication of Serial Nos. 85/466,945 and 85/466,966 in the Official Gazette of April 17, 2012, Applicant seeks to register TYREK and TYREK and Design in connection with "footwear; gymwear, namely, sweat shirts, sweat pants, headbands and wristbands; wearing apparel, namely, hosiery, jeans, pants, shirts, shorts, sweaters, tanktops, t-shirts and underwear; headwear, namely, caps, hats and visors; outerwear, namely, coats, jackets and rainwear; accessories, namely, belts, gloves, mittens, neckties, scarves and suspenders" in International Class 25.

3. Upon information and belief, Applicant filed Serial Nos. 85/466,945 and 85/466,966 on November 8, 2011 based on intent to use the mark in commerce in connection with the claimed goods.

In re Serial Nos.: 85/466,945
and 85/466,966
Opposer: Trek Bicycle Corporation

4. Since at least 36 years prior to Applicant's filing date for Serial Nos. 85/466,945 and 85/466,966, Trek adopted and has continuously used the trade name TREK in connection with its business activities.

5. Trek has invested substantial amounts of time, effort and money in protecting and policing its TREK trade name in the United States and throughout the world. As such, Trek has extensive, non-registered statutory and common law rights in and to its TREK trade name, which Trek uses in connection with its business activities.

6. Since at least 35 years prior to Applicant's filing date for Serial Nos. 85/466,945 and 85/466,966, Trek adopted and has continuously used its TREK trademark in connection with bicycles, bicycle frames, bicycle parts and accessories; Trek also has expanded its trademark use of "TREK" to cover numerous additional products and services, including but not limited to, exercise equipment, charitable fund raising, and apparel suitable for use during a wide variety of indoor and outdoor recreational activities.

7. Trek is the owner of the following U.S. Trademark registrations:

In re Serial Nos.: 85/466,945
and 85/466,966
Opposer: Trek Bicycle Corporation

Registration No. 1,168,276 for TREK for "bicycles and bicycle frames";

Registration No. 1,989,281 for TREKKING for "bicycles";

Registration No. 1,994,479 for TREK 100 for "providing ride support vehicles in competitive and recreational events, namely, bicycle tours, bicycle races, and triathlons";

Registration No. 2,060,274 for TREK for "exercise equipment, namely, stationary exercise cycles," "bicycles," "cycling computers," and "head protective helmets for bicycle users," among other things;

Registration No. 2,687,012 for ETREK for "online retail and wholesale store services, featuring a wide range for consumer products, except footwear, all provided via the Internet";

Registration No. 2,708,232 for TREK for "non-alcoholic beverages";

Registration No. 2,742,116 for TREK Stylized for "bicycles and bicycle frames";

Registration No. 2,745,442 for TREK for "bicycling apparel, namely, bicycling jersey; form fitting and reinforced seat elastic shorts; ankle length socks; wind resistant jackets with enhanced visibility fabric, extra sleeve length, high collar and extended length back panel; vests with enhanced visibility fabric, high collar and extended length back panel" and "padded and reinforced fingerless bicycling gloves";

Registration No. 2,876,977 for TREKLITE for "orienteering equipment and clothing for outdoor sporting activities, namely protective outer wear" and "orienteering equipment and clothing for outdoor sporting activities, namely, leggings, pants, gators, shirts, and jackets";

In re Serial Nos.: 85/466,945
and 85/466,966
Opposer: Trek Bicycle Corporation

Registration No. 3,031,210 for TREK TRAVEL for "travel arrangement of bicycling tours," "sporting and cultural activities related to bicycling," and "services for providing food and drinks, temporary accommodation, all related to bicycling activities";

Registration No. 3,042,834 for TREK UNIVERSITY for "instruction and training services, in the field of retailing bicycles, bicycle clothing and bicycle accessories; and in the fields of bicycle safety, bicycle recreation, bicycle service and bicycle repair";

Registration No. 3,053,077 for TREK for "backpacks, fanny packs, textile tote bags, hip packs, messenger bags, rack trunks, saddle bags, bicycle seat packs, and all purpose sports bags";

Registration No. 3,066,516 for TREKER for "off road all-terrain utility vehicles";

Registration No. 3,397,739 for TREK BICYCLE STORE for "retail stores featuring bikes";

Registration No. 3,516,346 for TREK for "online retail and wholesale store services featuring a wide range of consumer products except footwear all provided via the Internet";

Registration No. 3,576,106 for TREK STOP for "retail vending services in the field of automated vending machines that dispenses bicycle parts, bicycle accessories, energy bars, beverages and gels";

Registration No. 3,653,169 for TREK 100 for "Charitable fund raising services by means of bicycle rides and entertainment events";

Registration No. 3,709,688 for TREK for "Powders used in the preparation of sports drinks and energy drinks";

In re Serial Nos.: 85/466,945
and 85/466,966
Opposer: Trek Bicycle Corporation

Registration No. 3,789,682 for TREK for "Charitable fund raising services by means of bicycle rides and entertainment events";

Registration No. 3,798,045 for TREK for "Exercise equipment, namely, stationary trainers for use with bicycles";

Registration No. 3,900,734 for TREK for "electric bikes";

Registration No. 3,900,782 for TREK for "Conducting workshops and seminars in properly fitting bicycles for individual bicyclists; Instruction in the field of properly fitting bicycles for individual bicyclists";

Registration No. 3,979,036 for TREK and Design for "Cycling apparel, namely jerseys and shorts, hats, t-shirts";

Registration No. 4,077,999 for PRO TREK for "electric wrist watches; and

Registration No. 4,021,852 for TREK BICYCLES OF TUCSON for "retail stores featuring bicycles."

These registrations are valid, subsisting, uncanceled and are evidence of Trek's exclusive right to use TREK and the other identified marks in commerce in connection with the goods and services specified in the registrations.

8. Trek also is the owner of U.S. Trademark Application Serial No. 85/085,438 for TREK for "health club services, namely, providing instruction and equipment in the field of physical exercise; Providing assistance, personal training and physical fitness consultation to

In re Serial Nos.: 85/466,945
and 85/466,966
Opposer: Trek Bicycle Corporation

individuals to help them make physical fitness, strength, conditioning, and exercise improvement in their daily living; Providing fitness and exercise facilities; Training services in the field of physical exercise.”

9. Since at least as early as the respective dates of first use stated in its applications and registrations, Trek has used its marks in connection with the sale of goods and services covered by those applications and registrations. Such use has not been abandoned, and the public has come to associate Trek's goods and services with the TREK trademark and trade name.

10. Prior to the filing date for Applicant's Marks, Trek's TREK mark had become famous for Trek's goods and services.

11. Applicant has no license, consent or permission from Trek to use or register Applicant's Marks.

12. Applicant's Marks so resemble Trek's TREK mark and trade name and other TREK-formative marks, that it is likely to cause confusion, or to cause mistake or to deceive within the meaning of Section 2(d) of The Trademark (Lanham) Act of 1946, 15 U.S.C. § 1052(d); and more particularly, Applicant's Marks and use thereof are likely

In re Serial Nos.: 85/466,945
and 85/466,966
Opposer: Trek Bicycle Corporation

to cause confusion in, or to cause mistake by, or to deceive the trade and purchasing public into believing that the goods in Serial Nos. 85/466,945 and 85/466,966 originate with Trek or otherwise are authorized, licensed or sponsored by Trek.

13. By reason of all the foregoing, Trek will be damaged by the registration of Applicant's Marks for the goods covered by Serial Nos. 85/466,945 and 85/466,966, because registration of these marks would be in violation of Trek's trademark and trade name rights.

WHEREFORE, Trek prays that this Consolidated Notice of Opposition be sustained in favor of Trek and that Serial Nos. 85/466,945 and 85/466,966 be denied registration. Trek submits herewith its payment of the \$600 filing fee, as required by 37 C.F.R. §2.6(a)(17).

Respectfully submitted,

TREK BICYCLE CORPORATION

Date: April 24, 2012

By:



Mary Catherine Merz
Jennifer A. Widmer
MERZ & ASSOCIATES, P.C.

In re Serial Nos.: 85/466,945
and 85/466,966
Opposer: Trek Bicycle Corporation

Attorneys at Law
1010 Lake Street, Suite 400
Oak Park, Illinois 60301

(708) 383-8801 (phone)
(708) 383-8897 (fax)
docket@merz-law.com

Attorneys for Opposer

In re Serial Nos.: 85/466,945
and 85/466,966
Opposer: Trek Bicycle Corporation

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served on Applicant's Attorney and Correspondent of Record, Andrew A. Gonzalez, by First Class Mail this 24th day of April, 2012, addressed to:

Andrew A. Gonzalez
Gonzalez & Oberlander LLP
841 Broadway, Suite 500
New York, NY 10003-4704



By:

Mary Catherine Merz