

ESTTA Tracking number: **ESTTA508499**

Filing date: **11/30/2012**

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	Palm Beach Motoring Accessories, Inc.
Granted to Date of previous extension	12/01/2012
Address	7744 SW Jack James Drive Stuart, FL 34997 UNITED STATES

Attorney information	Leo Zucker Law Office of Leo Zucker 2591 Dunning Drive PO Box 1177 Yorktown Heights, NY 10598 UNITED STATES lzpatents@gmail.com Phone:9143022460
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**Applicant Information**

Application No	85592997	Publication date	10/02/2012
Opposition Filing Date	11/30/2012	Opposition Period Ends	12/01/2012
Applicant	AutoGeek Detailing LLC 73 Wild Turkey Way Santa Fe, NM 87505 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 037. First Use: 2011/09/27 First Use In Commerce: 2012/02/01 All goods and services in the class are opposed, namely: Automobile repair and maintenance
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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.	3200148	Application Date	09/26/2005
Registration Date	01/23/2007	Foreign Priority Date	NONE
Word Mark	AUTOGEEK.NET		

Design Mark	<b>AUTOGEEK.NET</b>
Description of Mark	NONE
Goods/Services	Class 035. First use: First Use: 2000/09/07 First Use In Commerce: 2000/09/07 Promoting and marketing automotive products of others via a global computer network and on-line retail store services featuring automotive products Class 041. First use: First Use: 2000/09/07 First Use In Commerce: 2000/09/07 Providing automotive newsletters through e-mail

U.S. Registration No.	3872457	Application Date	01/14/2010
Registration Date	11/09/2010	Foreign Priority Date	NONE

Word Mark	AUTOGEEK DETAIL FEST
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Description of Mark	The mark consists of the following: a blue outer circle partially filled in with a black circle surrounding a smaller white circle. The wording "AUTOGREEK" is across the top of the circles. The letters in this word are in white with trimmed in black, and the letter "A" and the letters "EK" at the end of the word are trimmed in black and blue. Within the circles is a red semi-circle with a white semi-circle beneath it and a black semi-circle beneath the white one. The semi-circles are just above the head of man with beige skin, yellow hair and gray sunglasses. He is wearing a red scarf around his neck and a green sweater. He is driving a blue convertible car. The man, his scarf, sweater and car are all trimmed in black. The wording "DETAIL FEST" with curved lines to the left and right of the wording is in white and situated in the bottom portion of the black circle.
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Goods/Services	Class 035. First use: First Use: 2005/11/01 First Use In Commerce: 2005/11/01 Arranging and conducting exhibitions and shows in the field of automobiles for promotional purposes
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U.S. Registration No.	4025976	Application Date	02/17/2011
Registration Date	09/13/2011	Foreign Priority Date	NONE

Word Mark	AUTOGEEK'S SHOW CAR GARAGE
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Design Mark	AUTOGEEK'S SHOW CAR GARAGE
Description of Mark	NONE
Goods/Services	Class 041. First use: First Use: 2009/08/31 First Use In Commerce: 2009/08/31 conducting workshops and seminars in automotive detailing

Attachments	76647445#TMSN.gif ( 1 page )( bytes ) 77912240#TMSN.jpeg ( 1 page )( bytes ) 85244903#TMSN.jpeg ( 1 page )( bytes ) Notice_of_Opposition.pdf ( 7 pages )(42176 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	/Leo_Zucker/
Name	Leo Zucker
Date	11/30/2012

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

In the matter of Trademark Application Serial No. 85-592,997  
Filed: April 9, 2012  
Mark: AUTOGEEK DETAILING, in Class 37  
Published: October 2, 2012, at Official Gazette page TM 915

Palm Beach Motoring Accessories, Inc., )  
a Florida Corporation, )  
 )  
Opposer, )  
 )  
v. )  
 )  
AutoGeek Detailing LLC, )  
a New Mexico Limited Liability Company, )  
 )  
Applicant. )

Opposition No. \_\_\_\_\_

TO: Lance Sones  
d/b/a AutoGeek Detailing LLC  
73 Wild Turkey Way  
Santa Fe, NM 87505

Trademark Trial & Appeal Board  
Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451

**NOTICE OF OPPOSITION**

Law Office of Leo Zucker  
Attorney for Opposer  
P.O. Box 1177  
Yorktown Heights, NY 10598

Telephone: (914) 302-2460

Palm Beach Motoring Accessories, Inc., a corporation organized under the laws of the State of Florida (hereafter PBMA), believes it will be damaged if the mark of the above identified application becomes registered and therefore opposes the same. The grounds for opposition are as follows:

1. PBMA is a Florida corporation having a place of business at 7744 SW Jack James Drive, Stuart, Florida 34997.
2. On information and belief, applicant AutoGeek Detailing LLC is a New Mexico limited liability company, having a place of business at 73 Wild Turkey Way, Santa Fe, New Mexico 87505.
3. PBMA is the current owner of Service Mark Registration No. 3,200,148 (the '148 registration) issued January 23, 2007, for the mark AUTOGEEK.NET in Class 35 for promoting and marketing automotive products of others via a global computer network, and on-line retail store services featuring automotive products; and in Class 41 for providing automotive newsletters through e-mail.
4. The '148 registration is in full force and effect.

5. PBMA has used the mark AUTOGEEK.NET continuously in commerce for the services recited in paragraph 3, to date.

6. Users of the services provided by PBMA under the mark AUTOGEEK.NET identify PBMA as being the source of the services recited in paragraph 3, and the mark distinguishes PBMA from other providers of similar services.

7. PBMA is the current owner of Service Mark Registration No. 3,872,457 (the '457 registration) issued November 9, 2010, for the mark AUTOGEEK DETAIL FEST and design in Class 35 for arranging and conducting exhibitions and shows in the field of automobiles for promotional purposes.

8. The '457 registration is in full force and effect.

9. PBMA has used the mark AUTOGEEK DETAIL FEST continuously in commerce for the services recited in paragraph 7, to date.

10. Users of the services provided by PBMA under the mark AUTOGEEK DETAIL FEST identify PBMA as being the source of the services recited in paragraph 7, and the mark distinguishes PBMA from other providers of similar services.

11. PBMA is the current owner of Service Mark Registration No. 4,025,976 (the '976 registration) issued September 13, 2011, for the mark AUTOGEEK'S SHOW CAR GARAGE in Class 41 for conducting workshops and seminars in automotive detailing.

12. The '976 registration is in full force and effect.

13. PBMA has used the mark AUTOGEEK'S SHOW CAR GARAGE continuously in commerce for the services recited in paragraph 11, to date.

14. Users of the services provided by PBMA under the mark AUTOGEEK'S SHOW CAR GARAGE identify PBMA as being the source of the services recited in paragraph 11, and the mark distinguishes PBMA from among other providers of similar services.

15. "AUTOGEEK" is a dominant part of the mark AUTOGEEK.NET.

16. "AUTOGEEK" is a dominant part of the mark AUTOGEEK DETAIL FEST.

17. "AUTOGEEK" is a dominant part of the mark AUTOGEEK'S SHOW CAR GARAGE.

18. Applicant is applying to register the mark AUTOGEEK DETAILING for automobile repair and maintenance.

19. Automotive detailing is a form of automobile repair and maintenance.

20. The services provided by PBMA under the marks AUTOGEEK.NET, AUTOGEEK DETAIL FEST, and AUTOGEEK'S SHOW CAR GARAGE, relate to or involve automotive detailing.

21. PBMA first adopted and used the mark AUTOGEEK.NET prior to applicant's alleged date of first use of the mark AUTOGEEK DETAILING.

22. PBMA first adopted and used the mark AUTOGEEK DETAIL FEST prior to applicant's alleged date of first use of AUTOGEEK DETAILING.

23. PBMA first adopted and used the mark AUTOGEEK'S SHOW CAR GARAGE prior to applicant's alleged date of first use of AUTOGEEK DETAILING.

24. Applicant's use of the mark AUTOGEEK DETAILING as applied to automobile repair and maintenance services, so resembles PBMA's registered mark AUTOGEEK.NET as to be likely to cause confusion, mistake, or deception.

25. Applicant's use of the mark AUTOGEEK DETAILING as applied to automobile repair and maintenance services, so resembles PBMA's registered mark AUTOGEEK DETAIL FEST as to be likely to cause confusion, mistake, or deception.

26. Applicant's use of the mark AUTOGEEK DETAILING as applied to automobile repair and maintenance services, so resembles PBMA's registered mark AUTOGEEK'S SHOW CAR GARAGE as to be likely to cause confusion, mistake, or deception.

WHEREFORE, opposer PBMA respectfully requests that the Board sustain the present opposition, and grant such other and further relief as the Board deems just and proper under the circumstances.

Respectfully submitted,



Leo Zucker, Attorney for Opposer

Telephone: (914) 302-2460

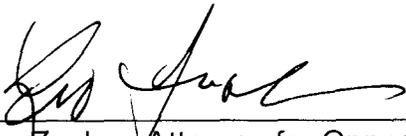
Application Serial No. 85-592,997  
Mark: AUTOGEEK DETAILING  
Int. Class 037

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the within Notice of Opposition was served on applicant AutoGeek Detailing LLC, by depositing same with the United States Postal Service on the date given below as first class mail with sufficient postage, addressed to:

Lance Sones,  
d/b/a AutoGeek Detailing LLC  
73 Wild Turkey Way  
Santa Fe, NM 87505.

Date: November 30, 2012

  
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Leo Zucker, Attorney for Opposer