

ESTTA Tracking number: **ESTTA536258**

Filing date: **05/03/2013**

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

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| Name | Trek Bicycle Corporation |
| Granted to Date of previous extension | 05/08/2013 |
| Address | 801 W. Madison St. Waterloo, WI 53594 UNITED STATES |

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

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|------------------------|---|------------------------|------------|
| Application No | 85660801 | Publication date | 01/08/2013 |
| Opposition Filing Date | 05/03/2013 | Opposition Period Ends | 05/08/2013 |
| Applicant | International Truck Intellectual Property Company, LLC 2701 Navistar Drive Lisle, IL 60532 UNITED STATES | | |

Goods/Services Affected by Opposition

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| Class 012. All goods and services in the class are opposed, namely: towable trailers |
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Grounds for Opposition

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| Priority and likelihood of confusion | Trademark Act section 2(d) |
| Other | breach of contract |

Marks Cited by Opposer as Basis for Opposition

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|-----------------------|------------|-----------------------|------------|
| U.S. Registration No. | 1168276 | Application Date | 04/21/1980 |
| Registration Date | 09/08/1981 | Foreign Priority Date | NONE |
| Word Mark | TREK | | |
| Design Mark | | | |

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|---------------------|---|
| 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 |

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|-----------------------|--|-----------------------|------------|
| 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 | | |

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|-----------------------|---|-----------------------|------------|
| 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 | | |

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|-----------------------|--|-----------------------|------------|
| 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> | | |

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|-------------------|---------|------------------|------------|
| U.S. Registration | 2687012 | Application Date | 03/01/2000 |
|-------------------|---------|------------------|------------|

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| No. | | | |
| Registration Date | 02/11/2003 | Foreign Priority Date | NONE |
| Word Mark | ETREK | | |
| 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. | 2708232 | Application Date | 08/29/1997 |
| Registration Date | 04/22/2003 | Foreign Priority Date | 03/03/1997 |
| Word Mark | TREK | | |
| Design Mark | | | |
| Description of Mark | NONE | | |
| Goods/Services | 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)) | | |

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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 | | |

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|-----------------------|--|-----------------------|------------|
| 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 | | |

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| | Class 028. First use: First Use: 1988/06/00 First Use In Commerce: 1988/06/00 padded and reinforced fingerless bicycling gloves | | |
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|-----------------------|--|-----------------------|------------|
| 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 | <p>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</p> <p>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</p> | | |

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|-----------------------|--|-----------------------|------------|
| 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 | | | |
| Description of Mark | NONE | | |
| Goods/Services | <p>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</p> <p>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</p> <p>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</p> | | |

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|-----------------------|---|-----------------------|------------|
| 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 | | |

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|-----------------------|--|-----------------------|------------|
| 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 | | |

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|-----------------------|---|-----------------------|------------|
| 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 | | |

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|-----------------------|--|-----------------------|------------|
| 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 | | |

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|-----------------------|---|-----------------------|------------|
| 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 |

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| Word Mark | TREK STOP |
| Design Mark | |
| 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 |

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|-----------------------|---|-----------------------|------------|
| 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 | | | |
| 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 | | |

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

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|-----------------------|---|-----------------------|------------|
| U.S. Registration No. | 3789682 | Application Date | 08/05/2009 |
| Registration Date | 05/18/2010 | Foreign Priority Date | NONE |
| Word Mark | TREK | | |
| Design Mark | | | |
| 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 | | |

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

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| Mark | |
| 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 |

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

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

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| U.S. Registration No. | 3979036 | Application Date | 02/17/2010 |
| Registration Date | 06/14/2011 | Foreign Priority Date | NONE |
| Word Mark | TREK | | |
| Design Mark | | | |
| 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. | | |
| 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. | 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 | | |

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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 | | |
| Design Mark | | | |
| 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 | | |

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|----------------------|---|-----------------------|------------|
| U.S. Application No. | 85085438 | Application Date | 07/15/2010 |
| Registration Date | NONE | Foreign Priority Date | NONE |
| Word Mark | TREK | | |
| Design Mark | | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 041. First use: First Use: 2011/01/31 First Use In Commerce: 2011/01/31 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; Training services in the field of physical exercise | | |

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| Attachments | 23881 FINAL Notice of Opposition 5.3.13.pdf (8 pages)(102482 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 | 05/03/2013 |

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

In the Matter of U.S. Application Serial No. 85/660,801
For: TREK
Filed: June 25, 2012
Date of Publication: January 8, 2013

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|--------------------------|---|----------------------|
| TREK BICYCLE CORPORATION |) | |
| |) | |
| Opposer, |) | |
| |) | |
| v. |) | Opposition No. _____ |
| |) | |
| INTERNATIONAL TRUCK |) | |
| INTELLECTUAL PROPERTY |) | |
| COMPANY, LLC |) | |
| |) | |
| Applicant. |) | |

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 the standard character word mark TREK, Serial No. 85/660,801, in Class 12 and hereby opposes the same, in accordance with Section 13 of The Trademark (Lanham) Act of 1946, 15 U.S.C. §1063.

As grounds for the opposition, Trek alleges as follows:

1. Upon information and belief, Applicant is an Illinois limited liability company with a principal place of business at 2701 Navistar Drive, Lisle, Illinois 60532

2. As evidenced by the publication of Serial No. 85/660,801 in the Official Gazette of January 8, 2013, Applicant seeks to register TREK in connection with "towable trailers" in Class 12.

3. Upon information and belief, Applicant filed Serial No. 85/660,801 on June 25, 2012 based on intent to use the mark in commerce in connection with the claimed goods.

4. Since at least 35 years prior to Applicant's filing date for the TREK application, 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 34 years prior to Applicant's filing date for the TREK application, 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 bicycle trailers, bicycle mounted racks and joggers.

7. Trek is the owner of the following U.S. Trademark registrations, many of which are incontestable:

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 of 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";

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"; and

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

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. 4,021,852 for TREK BICYCLES OF TUCSON for "retail stores featuring bicycle" and

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

These registrations are valid, subsisting, uncancelled 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 is also the owner of the following 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 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 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 TREK mark, Trek's TREK mark had become famous for Trek's goods and services.

11. Applicant, as the successor-in-interest to Safari Motor Coaches, Inc. ("Safari"), now owns Registration No. 1,862,431 for TREK for "recreational vehicles, namely motor homes".

12. Safari and Trek entered into an agreement dated August 6, 1993 governing Safari's use and registration of the TREK mark (the "Agreement"), which precluded Safari, and now Applicant, from using TREK for any goods other than motor homes.¹

13. Applicant has breached the Agreement by filing Serial No. 85/660,801 for TREK for "towable trailers".

14. Applicant has no license, consent or permission from Trek to use or register TREK for "towable trailers".

¹ Opposer will file a copy of the Agreement once the parties have entered into a Confidentiality Agreement governing the production of documents in this proceeding.

15. Applicant's mark TREK so resembles Trek's TREK mark, 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 mark and use thereof are likely to cause confusion in, or to cause mistake by, or to deceive the trade and purchasing public into believing that the goods in Serial No. 85/660,801 originate with Trek or otherwise are authorized, licensed or sponsored by Trek.

16. By reason of all the foregoing, Trek will be damaged by the registration of Applicant's TREK mark for the goods covered by Serial No. 85/660,801, because registration of the mark would be in violation of Trek's trademark and trade name rights and the Agreement.

WHEREFORE, Trek prays that this Notice of Opposition be sustained in favor of Trek and that Serial No. 85/660,801 be

denied registration. Trek submits herewith its payment of the \$300 filing fee, as required by 37 C.F.R. §2.6(a)(17).

Respectfully submitted,

TREK BICYCLE CORPORATION



Date: May 3, 2013

By: Mary Catherine Merz
Jennifer A. Widmer
MERZ & ASSOCIATES, P.C.
Attorneys at Law
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Oak Park, Illinois 60301

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(708) 383-8897 (fax)

docket@merz-law.com

Attorneys for Opposer

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Notice of Opposition was served on applicant by First Class Mail this May 3, 2013, addressed to:

Jeffrey P. Calfa
International Truck
Intellectual Property Company, LLC
2701 Navistar Drive
Lisle, Illinois 60532-3637



By: Mary Catherine Merz