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Filing date: **11/20/2014**

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

Proceeding	91215832
Party	Plaintiff JAGUAR LAND ROVER LIMITED
Correspondence Address	JENNIFER K. ZIEGLER BROOKS KUSHMAN, P.C. 1000 TOWN CENTER 22ND FLOOR SOUTHFIELD, MI 48075 UNITED STATES jziegler@brookskushman.com, gdavis@brookskushman.com
Submission	Motion for Default Judgment
Filer's Name	Jennifer K. Ziegler
Filer's e-mail	jziegler@brookskushman.com, gdavis@brookskushman.com
Signature	/jennifer ziegler/
Date	11/20/2014
Attachments	Motion for Default Judgment GEEK ROVER.pdf(33226 bytes ) 4-9-14 Notice of Opposition GEEK ROVER and Design-FINAL.pdf(268701 bytes )

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

JAGUAR LAND ROVER LIMITED,	)	Opposition No. 91215832
	)	
Opposer,	)	
	)	Serial No. 85/890,498
v.	)	
	)	
APB (SHENZHEN) HOLDING LTD.,	)	
	)	
	)	
Applicant.	)	

**MOTION FOR DEFAULT JUDGMENT**

VIA ELECTRONIC FILING  
Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, Virginia 22313-1451

Sir/Madam:

Opposer, Jaguar Land Rover Limited, a private company limited by shares, having a principal place of business at Abbey Road, Whitley, Coventry CV3 4LF, United Kingdom (“Opposer”), requests that the Board enter a judgment of default against APB (Shenzhen) Holding Ltd. (“Applicant”), pursuant to Fed. R. Civ. P. 55(b) and TBMP §508. As grounds for this motion for default judgment, Applicants states as follows.

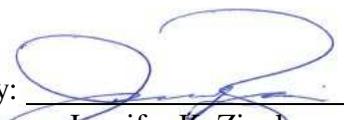
The Notice of Opposition was filed and duly served upon Applicant’s counsel of record on April 9, 2014. A copy of the Notice of Opposition and Certificate of Service is attached. The Board issued an Order on April 9, 2014 instituting the opposition proceeding and setting trial dates. The Board’s Order set a May 19, 2014 deadline for Applicant to answer the Notice of

Opposition. On April 24, 2014, Opposer filed a Motion for Suspension for Settlement With Consent. The Board's Order suspended the proceedings for 90 days, through July 23, 2014, and reset an August 17, 2014 deadline for Applicant to Answer the Notice of Opposition. On July 17, 2014, Applicant filed a Motion for Suspension for Settlement With Consent. The Board's Order suspended the proceedings for 90 days, through October 15, 2014, and reset a November 15, 2014 deadline for Applicant to Answer the Notice of Opposition.

Applicant did not file or serve an Answer to the Notice of Opposition by the November 15, 2014 deadline, nor has it filed or served any answer to date. Accordingly, Opposer moves for entry of default judgment against Applicant.

WHEREFORE, Opposer respectfully requests that a judgment of default be entered against Applicant and that registration of the GEEK ROVER and Design mark, Application Serial No. 85/890,498, be refused.

Respectfully submitted,

By:   
Jennifer K. Ziegler

*Attorneys/Agents for Opposer*

Date: November 20, 2014

**BROOKS KUSHMAN P.C.**  
1000 Town Center, 22nd Floor  
Southfield, MI 48075  
Phone: 248-358-4400  
Fax: 248-358-3351

**CERTIFICATE OF SERVICE**

I certify that I served:

**MOTION FOR DEFAULT JUDGMENT**

On November 20, 2014 by First Class Mail and Electronic Mail to:

Roberto Ledesma  
Law Office of Roberto Ledesma  
P.O. Box 230692  
New York, NY 10023-0012

Courtesy Copy via email to RL@EverythingTrademarks.com

*Attorney/Agent for Applicant*

By:   
Jennifer K. Ziegler

*Attorneys/Agents for Opposer*

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

In re Trademark Application

Serial No.: **85/890,498**

Filed: **March 29, 2013**

Trademark: **GEEK ROVER and Design**

Published in the Official Gazette on December 10, 2013

Atty. Docket No.: **LAND75190C**

Jaguar Land Rover Limited,	)	
	)	
Opposer,	)	
	)	Serial No. 85/890,498
v.	)	
	)	Opposition No. _____
APB (Shenzhen) Holding Ltd.,	)	
	)	
Applicant.	)	

**NOTICE OF OPPOSITION**

VIA ELECTRONIC FILING  
Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, Virginia 22313-1451

Sir/Madam:

Opposer, Jaguar Land Rover Limited, a United Kingdom private company limited by shares (PRC), having a principal place of business at Abbey Road, Whitley, Coventry CV3 4LF, United Kingdom (“Opposer”), believes that it is and will continue to be damaged by the registration of the mark GEEK ROVER and Design in the name of APB (Shenzhen) Holding

Ltd. (“Applicant”) shown in U.S. Trademark Application Serial No. 85/890,498, and hereby opposes the same.

Requests for an extension of time to oppose were filed on January 9, 2014 and February 6, 2014 and were granted, extending the time to file to April 9, 2014.

As grounds of opposition, Opposer alleges that:

1. Opposer and its predecessors have manufactured and sold vehicles, vehicle parts and accessories, and a wide variety of related automotive and non-automotive goods and services worldwide for over 60 years.

2. Since at least as early as 1948, Opposer has owned and used the trademark LAND ROVER in connection with motor vehicles, vehicle parts and accessories, and related automotive and non-automotive goods and services in the United States and throughout the world.

3. Since at least as early as 1970, Opposer has owned and used the trademark RANGE ROVER in connection with motor vehicles, vehicle parts and accessories, and related automotive and non-automotive goods and services in the United States and throughout the world.

4. In the United States, Opposer is the owner of, among others, U.S. Trademark Registration Nos. 541,722 (registered May 1, 1951), 1,201,939 (registered July 20, 1982), 2,767,628 (registered September 23, 2003), and 3,485,024 (registered August 12, 2008) for LAND ROVER covering motor vehicles, vehicle parts and accessories, and related goods in Class 12. These registrations are incontestable, valid and subsisting, uncancelled and unrevoked.

5. In the United States, Opposer is the owner of, among others, U.S. Trademark Registration Nos. 929,034 (registered February 15, 1972) and 4,053,166 (registered November 8,

2011) for RANGE ROVER covering motor vehicles, vehicle parts and accessories, and related goods in Class 12. The 929,034 registration is incontestable, valid and subsisting, uncanceled and unrevoked.

6. Opposer has expended considerable time, effort and expense in advertising and promoting the LAND ROVER and RANGE ROVER trademarks and the goods associated with them throughout the United States, with the result that the purchasing public has come to know and recognize products of Opposer by the LAND ROVER and RANGE ROVER trademarks. Opposer has exceedingly valuable goodwill established in its LAND ROVER and RANGE ROVER trademarks.

7. Applicant is seeking to register GEEK ROVER and Design as a trademark for the following goods:

Class 9: Computers; Computer peripheral devices; Telephone apparatus; Satellite navigational apparatus, namely, navigation apparatus for vehicles; Cell phone straps; Telephone sheath for holding and protecting the telephone; Cabinets for loudspeakers; Loudspeakers; Sound transmitting apparatus; Headphones; Earphone; Semi-conductors; Computer chips; Electric Switches; Video screens; Chargers for electric batteries; Electric batteries; Solar batteries; Computer memory hardware.

This is evidenced by publication of the mark in the *Official Gazette* on December 10, 2013. Applicant filed this application on March 29, 2013.

8. There is no issue as to priority. Opposer used, filed and registered the LAND ROVER and RANGE ROVER trademarks in connection with its goods and services long prior to Applicant's March 29, 2013 filing date.

9. Upon information and belief, Applicant did not use its GEEK ROVER and Design mark prior to Opposer's first use of LAND ROVER and RANGE ROVER.

10. Because the purchasing public has come to recognize and associate the products of Opposer by the LAND ROVER and RANGE ROVER marks, Applicant's proposed GEEK ROVER and Design mark is likely to be confused with or suggest a connection to Opposer.

12. Opposer is not connected with the goods sold by Applicant under its GEEK ROVER and Design mark.

13. The fame and reputation of Opposer is such that, if Applicant's GEEK ROVER and Design mark is used with Applicant's designated goods, a connection with Opposer will be presumed.

14. Through extensive use and promotion of the LAND ROVER and RANGE ROVER marks by Opposer and/or its authorized dealers, Opposer's LAND ROVER and RANGE ROVER marks have become distinctive and famous as defined under Section 43(c)(2) of the Lanham Act, as amended, 15 USC 1125(c)(2), and they were famous prior to the filing date of Applicant's application for the GEEK ROVER and Design mark.

15. Applicant's GEEK ROVER and Design mark in Application No. 85/890,498 so resembles Opposer's LAND ROVER and RANGE ROVER marks and the goods identified are so closely related to the goods of Opposer as to be likely, when used in connection with Applicant's goods, to cause confusion, or to cause mistake, or to deceive in violation of Section 2(d) of the Lanham Act, 15 USC §1052(d).

16. Applicant's GEEK ROVER and Design mark in Application No. 85/890,498 so resembles Opposer's LAND ROVER and RANGE ROVER marks and the goods identified are so closely related to the goods of Opposer as to be likely, when used in connection with

Applicant's goods, to falsely suggest a connection with Opposer in violation of Section 2(a) of the Lanham Act, 15 USC §1052(a).

17. Applicant's GEEK ROVER and Design mark in Application No. 85/890,498 is likely to cause, and will cause, dilution of the distinctive value of Opposer's LAND ROVER and RANGE ROVER marks in violation of Section 43(c) of the Lanham Act, 15 USC §1125(c).

18. If Applicant were granted the registration herein opposed, it would obtain at least a *prima facie* exclusive right to use of the GEEK ROVER and Design mark in connection with the designated goods. Such registration would be a source of injury and damage to Opposer's prior and established rights in its LAND ROVER and RANGE ROVER marks.

WHEREFORE, Opposer respectfully requests that registration of the GEEK ROVER and Design mark, Application Serial No. 85/890,498, be refused and that this opposition be sustained.

The fee required under 37 C.F.R. § 2.6(a)(17) is being paid electronically concurrently with the filing of this Notice of Opposition. If the filing fee is found to be insufficient for any reason, please charge such deficiency to the deposit account.

Respectfully submitted,

By:   
Jennifer K. Ziegler  
Dorne J. McKinnon-Rybicki

*Attorneys/Agents for Opposer*

Date: April 9, 2014

**BROOKS KUSHMAN P.C.**  
1000 Town Center, 22nd Floor  
Southfield, MI 48075  
Phone: 248-358-4400  
Fax: 248-358-3351

**CERTIFICATE OF SERVICE**

I certify that I served:

**NOTICE OF OPPOSITION**

On April 9, 2014 by First Class Mail and electronic mail to:

Roberto Ledesma  
Law Office of Roberto Ledesma  
P.O. Box 230692  
New York, NY 10023-0012

Courtesy Copy via electronic mail to [RL@EverythingTrademarks.com](mailto:RL@EverythingTrademarks.com)

*Attorney/Agent for Applicant for GEEK ROVER and Design mark*

By:   
Jennifer K. Ziegler  
*Attorneys/Agents for Opposer*