

ESTTA Tracking number: **ESTTA643962**

Filing date: **12/11/2014**

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	Veyance Technologies, Inc.		
Entity	Corporation	Citizenship	Delaware
Address	703 S. Cleveland-Massillon Rd Fairlawn, OH 44333-3023 UNITED STATES		
Attorney information	Kathleen K. Bowen 311 Hillbrook Dr Cuyahoga Falls, OH 44223 UNITED STATES kathleen_bowen@veyance.com Phone:330-414-1992		

Applicant Information

Application No	79147147	Publication date	11/25/2014
Opposition Filing Date	12/11/2014	Opposition Period Ends	12/25/2014
International Registration No.	1203503	International Registration Date	12/16/2013
Applicant	Zhejiang Powerbelt Co., Ltd. South Industry Park Zhejiang, CHINA		

Goods/Services Affected by Opposition

Class 007. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Belts for machines; parallel conveyer belts including transport belts and belt conveyors, except belt conveyors for land vehicles engines; triangle machine belts; fan belts for motors and engines
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Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
<i>Torres v. Cantine Torresella S.r.l.Fraud</i>	808 F.2d 46, 1 USPQ2d 1483 (Fed. Cir. 1986)

Mark Cited by Opposer as Basis for Opposition

U.S. Application No.	86364057	Application Date	08/12/2014
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	POWERSPAN		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 007. First use: First Use: 2011/07/08 First Use In Commerce: 2011/07/08 Power transmission belts for machines, motors and engines used in industrial applications

Attachments	86364057#TMSN.png(bytes) signed_opposition_for_filing.pdf(343882 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 Overnight Courier on this date.

Signature	/kathleenkbowen/
Name	Kathleen K. Bowen
Date	12/11/2014

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

Veyance Technologies, Inc)
)
 Opposer)
)
 v.)
)
 Zhejiang Powerbelt Co., Ltd.)
 Limited Company)
)
 Applicant)

In the matter of trademark
Application: Serial No. 79147147
For the mark: POWERSPAN
Published on: November 23, 2014

NOTICE OF OPPOSITION

Veyance Technologies, Inc. a Delaware Corporation having a place of business at 703 S. Cleveland Massillon Rd., Fairlawn, Ohio, 44333-3023, USA ("Opposer"), believes that it will be damaged by the registration of the above identified application, and hereby opposes grant of the registration.

The grounds for opposition are as follows:

1. Opposer has been selling power transmission belts under the trademark POWERSPAN in the US since 2011. This use has been continuous. Opposer is owner of Application Serial number 86364057 for POWERSPAN which is based on this prolonged use. Proof of the use since 2011 was provided with this application. Opposer has continued active and extensive use of the POWERSPAN mark in the United States
2. Applicant was aware of Opposer's prior use and its present application was done in bad faith. Prior to the designation of the United States by the Applicant, Applicant's parent application in China was subject to rejection based on Opposer's registered trademark POWERSPAN in China. Opposer's China registration was filed on May 2010, and Applicant's china application was not filed until January of 2013. The Applicant

appealed the rejection by the China Trademark office in January of 2014, and did not file its US designation until May of 2014 – after it was well aware of use by Opposer.

3. Applicant's goods include "Belts for machines"; "triangle machine belts" and "fan belts for motors and engines". These goods are the same as Opposer's goods "power transmission belts". Opposer's Power transmission belts are used for machines, motors and engines, and are typically V-belts (opposer interprets Applicant's "Triangle machines belts" to mean v-belts). In view of the similarity of these goods, and the identical nature of the mark, Opposer alleges that applicant's proposed mark would be likely to cause confusion, or to cause mistake, or to deceive.
4. For these reasons. Opposer would be damaged by the registration of Applicant's POWERSPAN mark shown in application Serial No. 79147147.

WHEREFORE, Opposer respectfully requests that application Serial number 79147147 be rejected, that no registration be issued thereon to Applicant, and that this opposition be sustained in favor of Opposer.

Respectfully Submitted,



12/11/2014

Kathleen K. Bowen

Attorney for Opposer,

Veyance Technologies, Inc.