

ESTTA Tracking number: **ESTTA653004**

Filing date: **01/29/2015**

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	FTI Corporation Limited		
Entity	Corporation	Citizenship	Hong Kong
Address	36/F Tower Two Times Square 1 Matheson Street, Causeway Bay Hong Kong, HONG KONG		

Attorney information	William N Federspiel McGuireWoods LLP One James Center, 901 East Cary Street Richmond, VA 23219 UNITED STATES wfederspiel@mcguirewoods.com, jpeyton@mcguirewoods.com, adford@mcguirewoods.com, bportillo@mcguirewoods.com, trademarks@mcguirewoods.com Phone:804-775-4382
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Applicant Information

Application No	86087665	Publication date	12/30/2014
Opposition Filing Date	01/29/2015	Opposition Period Ends	01/29/2015
Applicant	SBG Revo Holdings, LLC 30th Floor New York, NY 10018 UNITED STATES		

Goods/Services Affected by Opposition

Class 018. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Back packs, luggage, sports bags, all purpose sports bags, all purpose carryingbags, tote bags, travel bags, key casesand wallets, umbrellas

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Mark Cited by Opposer as Basis for Opposition

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	REVO		
Goods/Services	Book bags; Shoulder bags; Coin purses; Luggage; All purpose sport bags; Tote bags; Leather suitcases; Garment bags for travel; Overnight cases; Backpacks; Briefcases; Handbags; Parasols; Pocket		

	wallets; Textile shopping bags; Suitcases; Traveling bags; Luggage, namely, trunks; Umbrellas; School bags; Umbrella covers; Valises; Shopping bags with wheels attached.
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Related Proceedings	Cancellation No. 92059685
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Attachments	FTI - SBG - Revo NOO for filing.pdf(28041 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	/William N Federspiel/
Name	William N Federspiel
Date	01/29/2015

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

In re Application of: SBG Revo Holdings, LLC

Serial No.: 86/087,665

Filed: October 9, 2013

Mark:



Published: December 30, 2014

FTI CORPORATION LIMITED)	
)	
Opposer,)	
)	
v.)	Opposition No.
)	
SBG REVO HOLDINGS, LLC)	
)	
Applicant.)	

NOTICE OF OPPOSITION

Opposer FTI Corporation Limited (“FTI”), a Hong Kong corporation with its principal place of business at 36/F Tower Two Times Square, 1 Matheson Street, Causeway Bay, Hong Kong, China, would be damaged by registration of the mark REVO & Design (“Applicant’s Mark”) as shown in Application Serial No. 86/087,665, and opposes that application under Section 13 of the Trademark Act of July 5, 1946, 15 U.S.C. § 1063. As grounds of opposition, FTI alleges that:

1. SBG Revo Holdings, LLC (“Applicant”) seeks to register Applicant’s Mark for use with “[b]ack packs, luggage, sports bags, all purpose sports bags, all purpose carrying bags, tote bags, travel bags, key cases and wallets, umbrellas” in International Class 18, as evidenced by publication of the mark on December 30, 2014, in the Official Gazette.

FTI and the REVO Mark

2. FTI, through subsidiaries, related corporate entities and licensees, manufactures and sells a wide variety of products around the world, including in the United States. In particular, FTI manufactures and sells luggage and related goods branded as REVO (the “REVO Mark”).

3. FTI, through subsidiaries, related corporate entities and licensees, has sold its REVO branded luggage in the United States since at least as early as 2006 and has continuously sold luggage and related items under that mark since that time.

4. FTI is the last listed owner on three U.S. trademark registrations for luggage and bags covering the REVO Mark in various designs. Those U.S. trademark registrations – U.S. Reg. Nos. 3,224,978; 3,476,081; and 3,476,082 – were recently cancelled as the result of an improperly granted default judgment by the Trademark Trial and Appeal Board. Concurrently with this opposition, FTI is filing a motion to set aside that default judgment, reinstate the registrations, and re-open the cancellation action.

5. In any event, and regardless of the status of FTI’s registrations for the REVO Mark, FTI has established substantial common law rights to that mark through its continuous use in commerce of that mark on a variety of bags, luggage and related items since at least 2006.

Applicant’s Mark and Application

6. On October 9, 2013, Applicant filed U.S. Ser. No. 86/087,665 for the mark REVO & Design in connection with “[b]ack packs, luggage, sports bags, all purpose sports bags, all purpose carrying bags, tote bags, travel bags, key cases and wallets, umbrellas” in International Class 18 (the “Application”). Applicant filed the Application on an intent-to-use

basis and, to date, no use of the mark reflected in the Application in connection with the applied-for goods has been alleged.

7. On January 28, 2014, the Examining Attorney reviewing the Application issued an Office Action citing a likelihood of confusion with FTI's three REVO registrations. Applicant responded by filing a cancellation action against those registrations, which ultimately resulted in a default judgment because FTI was not properly served by either Applicant or the Trademark Trial and Appeal Board and never received notice of the cancellation proceeding.

8. In any event, the Examining Attorney's determination was correct: Applicant's intent-to-use application for REVO & Design in Class 18 for the applied-for goods is likely to be confused with FTI's senior REVO Mark used on essentially identical goods.

9. FTI's prior use of the REVO Mark on goods that are essentially identical to the applied-for goods gives FTI priority over Applicant's intent-to-use filing.

FTI'S GROUND FOR OPPOSITION
Likelihood of Confusion

10. Paragraphs 1 through 9 are incorporated and made a part of this Ground for Opposition.

11. FTI's REVO Mark and Applicant's Mark are identical aurally and visually as word marks. Though FTI's stylization of its REVO Mark is different from that of Applicant's Mark, those differences in stylization are ultimately insufficient to differentiate the two marks when used on essentially identical goods.

12. The goods on which Applicant proposes to use Applicant's Mark are essentially identical to those sold by FTI under the REVO Mark. Among other goods, FTI markets and sells REVO branded luggage, sport bags, tote bags, other travel bags and umbrellas. Applicant's applied-for goods include "Back packs, luggage, sports bags, all purpose sports bags, all purpose

carrying bags, tote bags, travel bags, key cases and wallets, umbrellas.” These goods are essentially identical, and the applied-for goods certainly fall within the category of goods covered by FTI’s registrations and FTI’s common law rights in the REVO Mark.

13. Applicant’s Mark so resembles FTI’s REVO Mark that, when used in connection with the goods for which Applicant seeks to register Applicant’s Mark, it is likely to cause confusion or mistake or to deceive consumers, resulting in damage to FTI.

14. Because of the similarity between Applicant’s Mark and FTI’s REVO Mark and because Applicant claims to offer goods that are essentially identical to the goods FTI offers under the REVO Mark, the general public is likely to be confused, mistaken or deceived as to the origin and sponsorship of Applicant’s goods and misled into believing that Applicant’s goods offered under Applicant’s Mark are provided by, or are in some other way directly or indirectly associated with FTI, to the detriment of FTI. Indeed, the Trademark Office already found a likelihood of confusion between the two marks when it cited FTI’s registrations against the Application.

15. FTI has no control over the nature or quality of the goods in connection with which Applicant allegedly plans to use Applicant’s Mark. Hence, any defects, objections or faults found with Applicant’s goods offered under Applicant’s Mark could inflict injury upon FTI’s reputation because of false association with FTI.

16. FTI and its goodwill will be damaged by Applicant’s use and registration of Applicant’s Mark in that Applicant’s Mark is virtually identical to FTI’s REVO Mark and is allegedly used in connection with goods that are essentially identical to FTI’s goods.

WHEREFORE, FTI prays that Application Serial No. 86/087,665 be rejected, that no registration be issued thereon to Applicant, and that this Opposition be sustained in FTI's favor.

Dated: January 29, 2015

Respectfully submitted,

FTI CORPORATION LIMITED

By Counsel

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Counsel for the FTI Corporation Limited

Electronically Filed via ESTTA: January 29, 2015.

CERTIFICATE OF SERVICE

On January 29, 2015, a copy of this Notice of Opposition was sent via FedEx to the applicant at the following address:

SBG Revo Holdings, LLC
30th Floor
1065 Avenue of the Americas
New York, NEW YORK 1001

A courtesy copy was also sent on January 29, 2015, to counsel for the applicant at the following address:

Roberta S. Bren
Oblon, McClelland, Maier & Neustadt, LLP
1940 Duke Street
Alexandria, VA 22314

/William N. Federspiel/
William N. Federspiel