

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

In re Trademark Application Serial No. 78/400,138

Filed: April 12, 2004

Trademark: THUNDER STROKE

Published in the *Official Gazette* at TM 260 on March 1, 2005

FORD MOTOR COMPANY)
)
Opposer,)
)
v.)
)
INTERNATIONAL ENGINE)
INTELLECTUAL PROPERTY)
COMPANY, LLC)
)
Applicant.)

Opposition No. _____

CERTIFICATION UNDER 37 C.F.R. § 1.10

I hereby certify that this NOTICE OF OPPOSITION and any attachments referred to as attached therein are being deposited on June 21, 2005 under Express Mail Label No. EV 375983120 US with the United States Postal Service in an envelope as "Express Mail Post Office to Addressee" addressed to: Box TTAB- FEE, Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451.

Krisanne Schmidt
Print Name of Person Signing

Krisanne Schmidt
Signature

06/24/2005 HPHAH1 00000100 061505 78400138
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NOTICE OF OPPOSITION

BOX TTAB - FEE
Commissioner for Trademarks
P.O. Box 1451
Alexandria, Virginia 22313-1451



06-21-2005

U.S. Patent & TMOfr/TM Mail Rcpt Dt. #77

Sir:

FORD MOTOR COMPANY ("FORD"), a Delaware corporation with a place of business at The American Road, Dearborn, Michigan 48121, believes that it is and will continue to be damaged by the Applicant's registration of the mark "THUNDER STROKE" for "engines for land vehicles" in Class 12 and hereby opposes registration of this mark.

As grounds for opposition, the Opposer alleges as follows:

1. The Applicant, INTERNATIONAL ENGINE INTELLECTUAL PROPERTY COMPANY, LLC (“INTERNATIONAL ENGINE”), is seeking to register the mark “THUNDER STROKE” as a trademark for “engines for land vehicles” in Class 12. This is evidenced by the publication of the mark in the *Official Gazette* at Page TM 260 of the March 1, 2005 issue. This Intent-to-Use application was filed on April 12, 2004.

2. The Opposer, FORD, designs, develops, manufactures, services, repairs, and sells automobiles and parts therefor and related products and services.

3. Applicant is a current supplier to FORD of engines for land vehicles marketed under FORD’s “POWER STROKE” mark.

4. The Opposer has used the mark “POWER STROKE” from a date at least as early as August 31, 1995 in connection with its vehicles and engines for land vehicles and related goods, and currently sells products bearing the mark. In addition, Opposer has used its famous “THUNDERBIRD” mark in connection with its automobiles and parts since 1954.

5. The Opposer is the owner of U.S. Trademark Registration No. 2,075,967 for the mark “POWER STROKE” for “land vehicles, namely trucks and structural parts thereof,” in International Class 12. This Registration issued July 1, 1997, and is incontestable, valid and subsisting, uncancelled and unrevoked.

6. Opposer is the owner of U.S. Trademark Registration No. 2943718 for the mark “POWER STROKE” for “engines for land vehicles” in Class 12. This Registration issued April 26, 2005, and is valid and subsisting, uncancelled and unrevoked.

7. Opposer is the owner of U.S. Trademark Registration No. 618,942 for the mark "THUNDERBIRD (stylized)" for "automobiles" in Class 12. This Registration issued January 10, 1956, and is incontestable, valid and subsisting, uncancelled and unrevoked.

8. Opposer is the owner of U.S. Trademark Registration No. 1,995,780 for the mark "THUNDERBIRD" for "auto parts and accessories, namely the license plate frames, sunshades, sun screens, exterior insignia badges, fitted and semi-fitted covers for vehicles, vehicle seat covers, fender covers" in Class 12. This Registration issued August 20, 1996, and is incontestable, valid and subsisting, uncancelled and unrevoked.

9. The Opposer has expended considerable effort and expense in promoting its "POWER STROKE" and "THUNDERBIRD" marks and the goods associated with these marks, with the result that the purchasing public has come to know and recognize the products of the Opposer by these marks. The Opposer has an exceedingly valuable good will established in its "POWER STROKE" and "THUNDERBIRD" marks.

10. There is no issue as to priority. The Opposer used the marks "POWER STROKE" and "THUNDERBIRD" in connection with its goods long prior to the filing date of the intent-to-use Application Serial No. 78/400,138.

11. The mark for which the Applicant seeks registration, namely "THUNDER STROKE" is confusingly similar to Opposer's "POWER STROKE" mark and echoes Opposer's "THUNDERBIRD" mark, and both parties' marks are designated for use in connection with land vehicles and/or engines for land vehicles in Class 12.

12. Since the mark and goods as described in the application are identical to the goods Opposer manufactures and supplies to Opposer for Opposer's distribution under its

“POWER STROKE” mark, confusion and deception as to the origin of the Applicant's goods bearing the mark would occur, all to the damage and detriment of the Opposer. Such use would cause confusion in the trade resulting in damage and injury to the Opposer.

13. The established supplier relationship between the Applicant and Opposer further increases the likelihood of confusion in the relevant marketplace as to the source or origin of the goods bearing “THUNDER STROKE.”

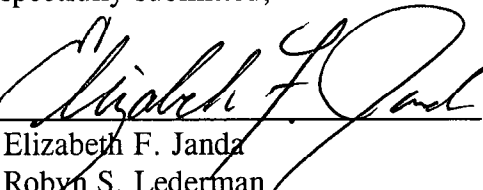
14. The Applicant's use or registration of the mark “THUNDER STROKE” in connection with its designated goods, is likely to cause confusion, or to cause mistake, or to deceive as to the affiliation, connection, or association of the Applicant with the Opposer, or as to the origin, sponsorship or approval of the Applicant's services by the Opposer.

15. If the Applicant were granted the registration herein opposed, it would obtain at least a *prima facie* exclusive right to use of the “THUNDER STROKE” mark in connection with the designated products and goods. Such registration would be a source of injury and damage to the Opposer.

WHEREFORE, the Opposer, FORD MOTOR COMPANY, prays that Application Serial No. 78/400,138 for the mark “THUNDER STROKE” be rejected, denied and refused.

A duplicate copy of this Notice of Opposition is enclosed pursuant to 37 C.F.R. § 2.104(a). The filing fee of \$300 and any additional fees as may be required under 37 C.F.R. § 2.6(a)(17), are to be charged to Ford Motor Company Account No. 06-1505. A third copy of the Notice of Opposition is enclosed for accounting purposes.

Respectfully submitted,

By 
Elizabeth F. Janda
Robyn S. Lederman
Attorneys/Agents for Applicant

Date: June 21, 2005

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Our File: FMCT 17815 OC