

ESTTA Tracking number: **ESTTA77548**Filing date: **04/24/2006**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	Honda Motor Co., Ltd.
Granted to Date of previous extension	04/23/2006
Address	No. 1-1, 2-Chome, Minamiaoyama, Minato-Ku Tokyo, 107-8556 JAPAN
Attorney information	Anthony L. Fletcher Fish & Richardson P.C. 153 East 53rd Street, Citigroup Center - 52nd Floor New York, NY 10022 UNITED STATES hudson@fr.com, alf@fr.com, mva@fr.com, tmdocny@fr.com, kxm@fr.com Phone: 212-765-5070

Applicant Information

Application No	76587840	Publication date	10/25/2005
Opposition Filing Date	04/24/2006	Opposition Period Ends	04/23/2006
International Registration No.	NONE	International Registration Date	NONE
Applicant	Winkelmann, Friedrich Unterer Pustenberg 21 Essen, 45239 GERMANY		

Goods/Services Affected by Opposition

Class 012. All goods and services in the class are opposed, namely: Vehicles for transportation on land, air or water, namely, motor propelled and self-propelled vehicles for use on land and on water and motor propelled and glider aircraft; parts used in vehicles for transportation on land, air or water, namely, motor propelled and self-propelled vehicles for use on land and on water and motor propelled and glider aircraft

Attachments	Honda Notice of Opposition and Exhibits.pdf (24 pages)(9176708 bytes)
Signature	/ALF by IZH/
Name	Anthony L. Fletcher
Date	04/24/2006

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

In the matter of Application Serial No. 76/587,840
For the Mark **V.I.C.**
Published in the Official Gazette on October 25, 2005

HONDA MOTOR CO., LTD.,

Opposer,

v.

FRIEDRICH WINKELMANN,

Applicant.

OPPOSITION NO.

NOTICE OF OPPOSITION

Honda Motor Co., Ltd., a corporation organized under the laws of Japan, whose address is 1-1, 2-Chome, Minami-Aoyama, Minato-Ku, Tokyo 107-8556 JAPAN, believes that it will be damaged by registration of the mark shown in the above-identified application, and hereby opposes the same.

The grounds for opposition are as follows:

1. The above identified Opposer, itself and through subsidiaries, affiliates and related companies (hereafter, collectively, "Honda"), manufactures, markets and sells, among other products, automotive vehicles, including passenger automobiles, sport utility vehicles ("SUVs"), minivans and trucks and parts thereof throughout the world.

2. Since 1959, Honda's subsidiary, American Honda Motor Co., Inc., has distributed, *inter alia*, automobiles and, subsequently, sport utility vehicles and trucks throughout the United States under the **HONDA** trademark and numerous other Honda-owned trademarks, including, as hereafter alleged, the **CIVIC** trademark.

3. Honda introduced its first automobile in United States commerce in 1970 when Honda exported the N600 to Honda dealers in the United States for resale to the public. Honda has continuously sold automobiles in United States commerce since that time.

4. In 1972, Honda introduced the **HONDA CIVIC** automobile in Japan for model year 1973. A picture of Honda's 1973 model year **HONDA CIVIC 1500** is annexed hereto as **Exhibit A**.

5. The **HONDA CIVIC** automobile was introduced to the trade in the United States in September 1972, and sold to Honda dealers for resale to the public by no later than March 1973. A picture of Honda's 1973 model year **HONDA CIVIC 1500** is annexed hereto as **Exhibit A**.

6. In 2002, Honda introduced a hybrid **HONDA CIVIC** automobile. A picture of Honda's 2003 model year **HONDA CIVIC HYBRID** automobile is annexed hereto as **Exhibit B**.

7. Honda's use of the **CIVIC** mark for automobiles and parts thereof has been continuous since model year 1973. Illustrative examples of Honda's current use of the **CIVIC** mark on and in connection with automobiles and on its website are annexed as **Exhibit C**.

8. Honda's **CIVIC** mark is registered for, *inter alia*, automobiles. Annexed as **Exhibit D** and **Exhibit E** are copies of the Registration Certificates for Registration Nos.

Applicant : Friedrich Winkelmann
Serial No. : 76/587,840
Filed: : April 21, 2004
Mark : V.I.C.
Page : 3

Attorney's Docket No.: 10691-2081P1

1,045,160 and 2,573,521. Both registrations are valid and subsisting, and Registration No. 1,045,160 is also incontestable.

9. Honda's **CIVIC** automobile is the best-selling compact car model in the United States. In excess of 7 million **CIVIC** automobiles have been sold by Honda in the United States between 1973 and 2004. In 2003 alone, Honda sold in excess of 299,000 **CIVIC** automobiles.

10. Honda has developed exceedingly valuable goodwill in the **CIVIC** trademark, and enjoys a high degree of consumer recognition among consumers of automobiles and the general public.

11. Honda's model year 2006 **CIVIC** automobiles were recently awarded *Motor Trend* magazine's *Car of the Year* award.

12. Honda's **CIVIC** automobiles have also received the *Motor Trend* magazine's *Import Car of the Year* award many times, including in 1988 for the **HONDA CIVIC CRX Si**, in 1984 for the **HONDA CIVIC CRX** and in 1980 for the **HONDA CIVIC**.

13. Applicant seeks registration on the basis of an application filed on April 21, 2004, pursuant to Sections 44(d) and 1(b) of the Lanham Act for the mark **V.I.C.** for "[v]ehicles for transportation on land, air or water, namely, motor propelled and self-propelled vehicles for use on land and on water and motor propelled and glider aircraft; parts used in vehicles for transportation on land, air or water, namely, motor propelled and self-propelled vehicles for use on land and on water and motor propelled and glider aircraft." This filing basis for this application is currently pursuant to Section 44(e) of the Lanham Act.

14. Applicant's applied for goods are broad enough to encompass automobiles, which are defined as "a usually four-wheeled automotive vehicle designed for passenger

transportation.”¹ For example, Honda's **CIVIC** automobiles are vehicles for transportation on land. Honda's **CIVIC** automobiles are also motor- (i.e., engine-) propelled vehicles for use on land.

15. Upon information and belief, Applicant has not begun using the **V.I.C.** mark on or in connection with any goods and/or services, including without limitation the applied for goods.

16. With over thirty years of prior use of the mark **CIVIC** for automobiles and structural parts therefor, Honda is entitled to the exclusive use of the mark in connection with these goods.

17. Consumers, operators and passengers of Honda **CIVIC** automobiles are likely to be confused into believing that **V.I.C.** for identical goods – i.e., “[v]ehicles for transportation on land, ... namely, motor propelled ... vehicles for use on land ...” – are endorsed, manufactured, or designed by Honda. Furthermore, consumers, operators and passengers of Honda **CIVIC** automobiles are likely to be confused into believing that **V.I.C.** “parts used in vehicles for transportation on land ... namely, motor propelled ... vehicles for use on land ...” – are suitable for and designed to be used in Honda's **CIVIC** automobiles.

18. Applicant's applied for mark, **V.I.C.**, consists of and/or comprises a mark which so resembles the mark **CIVIC**, used over the last thirty years in the United States by Honda for automobiles, as to be likely, when used on or in connection with “[v]ehicles for transportation on land, ... namely, motor propelled ... vehicles for use on land ...” and “parts used in vehicles for

¹ Merriam-Webster Online Dictionary copyright © 2005 by Merriam-Webster, Incorporated. See **Exhibit F**, at <http://www.m-w.com> (April 11, 2006).

Applicant : Friedrich Winkelmann
Serial No. : 76/587,840
Filed : April 21, 2004
Mark : V.L.C.
Page : 5

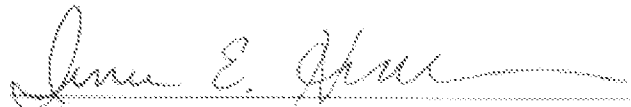
Attorney's Docket No.: 10691-208PP1

transportation on land ... namely, motor propelled ... vehicles for use on land ..." to cause confusion, or to cause mistake or to deceive.

WHEREFORE, Opposer prays that the mark shown by the above-identified application be refused registration. Please charge Deposit Account 06-1050 (10691-208PP1).

Respectfully submitted,

Date: April 21, 2006

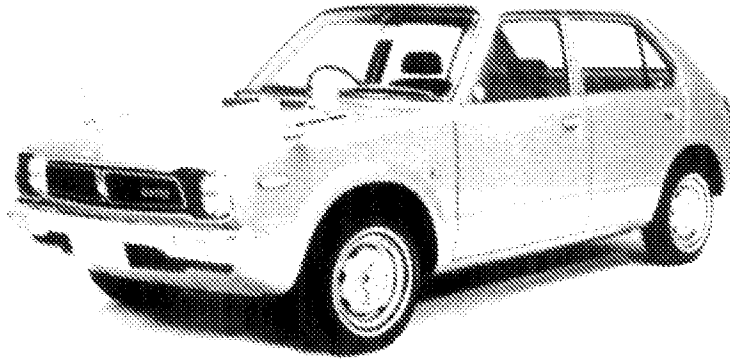


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stockell@fr.com
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(please copy tmdoeny@fr.com)

Attorneys for Opposer
Honda Motor Co., Ltd.

EXHIBIT A

1973 Honda Civic 1500



1973 Honda Civic 1500.

EXHIBIT B

2003 Honda Civic Hybrid



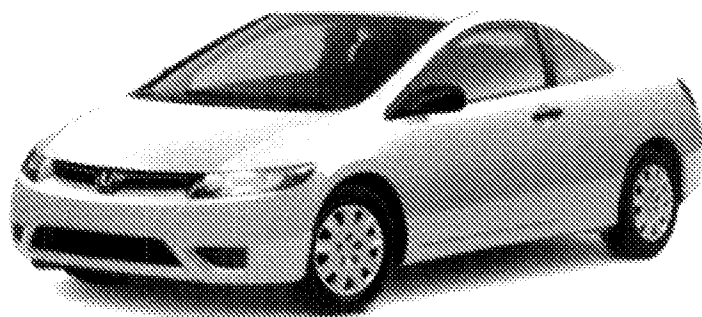
2003 Honda Civic Hybrid

EXHIBIT C



2006 Civic Coupe Specifications: Trim Level Descriptions

[Return to regular view](#)



The Civic DX coupe offers modern styling, fun-to-drive performance, practicality and an impressive list of standard features, all at a remarkably affordable price.

TRIM LEVEL

DX

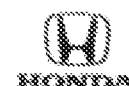
- 1.8-liter, SOHC i-VTEC® 4-cylinder engine
- Drive-By-Wire Throttle System™
- ULEV-2 (Ultra-Low-Emission Vehicle)
- 5-speed manual transmission
- Available compact 5-speed automatic transmission
- Control-link MacPherson strut front suspension
- Reactive-link double wishbone rear suspension
- Power-assisted rack-and-pinion steering
- 15" wheels with full covers
- P195/65 R15 89H all-season tires
- Advanced Compatibility Engineering™ (ACE™) body structure
- Daytime Running Lights (DRL)
- Anti-lock braking system (ABS) with Electronic Brake Distribution (EBD)
- Dual-stage, dual-threshold front airbags (SAB)
- Front side airbags with passenger-side Occupant Position Detection System (OPDS)
- Side curtain airbags
- Active head restraints
- Outboard Lower Anchors and Tethers for Children (LATCH)
- Immobilizer Theft-Deterrent System
- Integrated rear-window antenna
- Power windows
- Tilt and telescopic steering column
- Driver's seat with manual height adjustment

MSRP* Manual Transmission

\$14,560.00
Manual
Transmission

MSRP* Automatic Transmission

\$15,360.00
Automatic
Transmission

[HOME](#)

2006 Civic Hybrid Specifications: Trim Level Descriptions

[Return to regular view](#)

With revitalized style and renewed spirit, the all-new 2006 Civic Hybrid is for those with the foresight to improve the future, and the spirit to enjoy the moment. The Civic Hybrid features a lightweight, low-friction 4-cylinder engine with torque-enhancing i-VTEC®. The engine is complemented by a powerful DC electric motor that's less than 2.5" wide. Power for the motor is stored in a compact battery pack behind the rear seat. And the Civic Hybrid IMA battery pack comes with an 8-year/50,000-mile limited battery warranty so you'll have even more peace of mind.

TRIM LEVEL

MSRP*

Continuously Variable Transmission

Hybrid

- 110-hp, 1.3-liter, 8-valve, i-VTEC® 4-cylinder gasoline engine
- Dual-point sequential ignition (i-DSI)
- Nickel-metal hydride (Ni-MH) battery pack
- Anti-lock braking system (ABS)
- Dual-stage, dual-threshold front airbags (SRS)
- Front side airbags with passenger-side Occupant Position Detection System (OPDS)
- Side curtain airbags
- Outboard Lower Anchors and Tethers for Children (LATCH)
- Blue backlit gauges with electronic IMA™ display

\$22,150.00

Continuously Variable Transmission

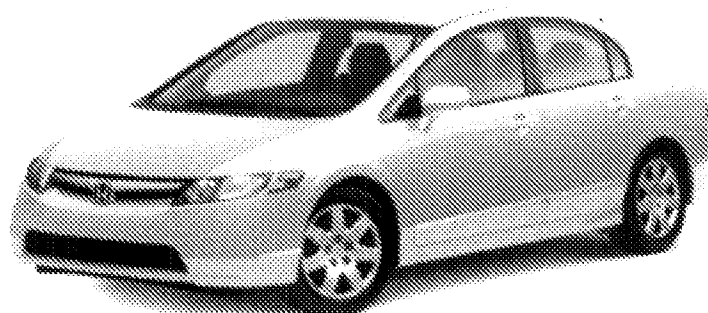
\$23,650.00Continuously Variable Transmission
with Honda Satellite-Linked
Navigation System™

*MSRP excluding tax, license, registration, \$550.00 destination charge and options. Dealer prices may vary. The pricing of certain vehicles in California and select Northeastern states may vary slightly due to PZEV (Partial Zero-Emission Vehicle) standards. Please contact your dealer for complete pricing information.

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[HOME](#)

2006 Civic Sedan Specifications: Trim Level Descriptions

[Return to regular view](#)


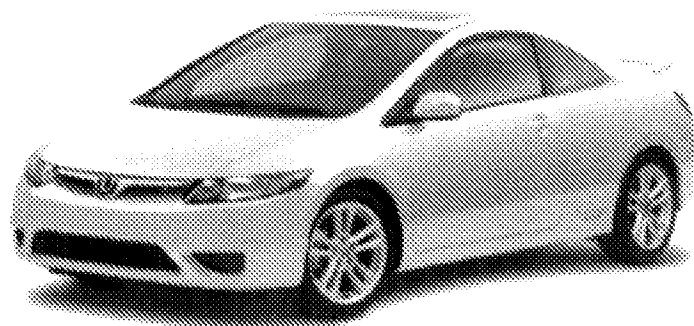
The Civic LX Sedan is a stylish, affordable vehicle with a long list of luxury and convenience features and a driving experience few competitors can match. The LX Sedan includes 16" wheels with full covers, a powerful audio system, cruise control, air conditioning as well as many other standard features not normally found in the compact class.

TRIM LEVEL	MSRP* Manual Transmission	MSRP* Automatic Transmission
LX <ul style="list-style-type: none"> • 1.8-liter, SOHC I-VTEC® 4-cylinder engine • Drive-by-Wire Throttle System™ • ULEV-2 (Ultra-Low-Emission Vehicle) • 5-speed manual transmission • Available compact 5-speed automatic transmission • Control-link MacPherson strut front suspension • Reactive-link double wishbone rear suspension • Power-assisted rack-and-pinion steering • 16-inch wheels with full covers • P205/55 R16 89H all-season tires • Dual-stage, dual-threshold front airbags (SRS) • Front side airbags with passenger-side Occupant Position Detection System (OPDS) • Side curtain airbags • Active head restraints • Outboard Lower Anchors and Tethers for Children (LATCH) • Immobilizer Theft-Deterrent System • Integrated rear-window antenna • Body-colored power side mirrors • Body-colored door handles • Power door locks with auto-lock feature • Cruise control • Air conditioning with air-filtration system 	\$16,710.00 Manual Transmission	\$17,510.00 Automatic Transmission



2006 Civic Si Specifications: Trim Level Descriptions

[Return to regular view](#)



The Civic Si offers customers one of the longest and most impressive lists of performance, comfort, convenience and safety features in its class. And with new styling and increased performance, the 2006 Civic Si presents an unmatched driving experience.

TRIM LEVEL

Civic Si

- 2.0-liter, DOHC i-VTEC® engine
- 157 hp @ 7800 rpm
- 139 lb.-ft. of torque @ 6100 rpm
- Helical limited-slip differential
- Drive-By-Wire Throttle System™
- Close-ratio 6-speed manual transmission
- MacPherson strut front suspension
- Double wishbone independent rear suspension
- 17" alloy wheels
- Rear wing spoiler
- Daytime Running Lights (DRL)
- Anti-lock braking system (ABS)
- Electronic Brake Distribution (EBD)
- Dual-stage, dual-threshold front airbags (SRS)
- Front side airbags with passenger-side Occupant Position Detection System (OPDS)
- Side curtain airbags
- Active head restraints
- Security system with remote entry and trunk opener
- Power windows, door locks and mirrors
- Tilt and telescopic steering column
- Driver's seat with manual height adjustment
- Deep, bolstered front sport seats with red stitching
- 60/40 split fold-down rear seat
- Rear-seat beverage holders

MSRP* Manual Transmission

\$20,290.00
Manual Transmission

\$20,490.00
Manual Transmission
with Summer Tires

Honda Certified Used Cars

2005 Civic Coupe

[Overview](#) [Gallery](#) [Engineering](#) [Safety](#) [Specifications](#)

[Civic Coupe Overview](#) [Civic Coupe Gallery](#) [Civic Coupe Engineering](#) [Civic Coupe Safety](#) [Civic Coupe Specifications](#)



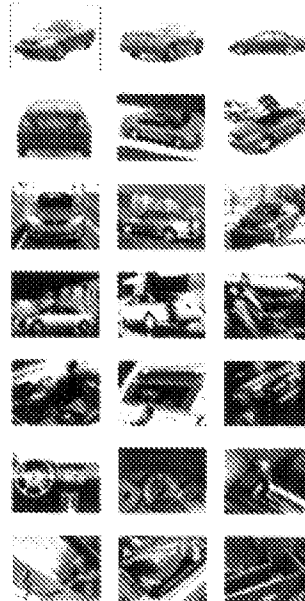
Gallery



360° views



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Select a model:

[Civic Coupe](#)

Select a year:

[2005](#)

Civic EX Coupe shown in Rallye Red

[Honda](#)
Certified
Used Car

[188 AVAILABLE COLORS](#)

INSTRUCTIONS:

Click on a color to paint the Civic Coupe.



Color selection palette with text: [Fiji Blue Pearl](#) [Ivory](#)

[Fiji Blue Pearl](#)
[Ivory](#)

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Honda Certified Used Cars

2005 Civic Hybrid

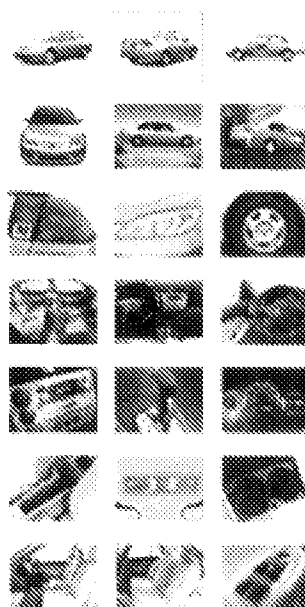
[Overview](#) [Gallery](#) [Engineering](#) [Safety](#) [Specifications](#)



360° VIEWS



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Warranty

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Honda Care

E-mail this page

HOTO MODEL PAGE

Select a model:

Civic Hybrid

Select a year:

2005

Make a dramatic exit when you flash your Civic Hybrid's sleek rear styling.

Certified
Used Car



AVAILABLE COLORS

INSTRUCTIONS:

Click on a color to paint the Civic Hybrid.



Available Colors

Eternal Blue Pearl

Clay

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Honda Certified Used Cars

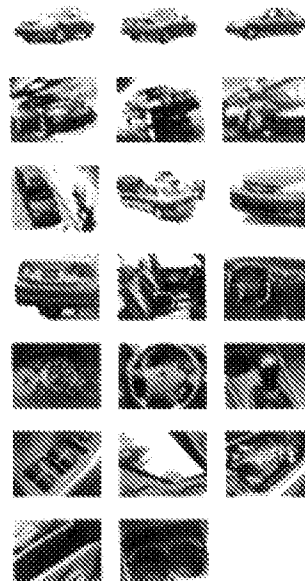
2005 Civic Sedan

Overview Gallery Engineering Safety Specifications

100% 100% 2687 VIEWS



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LOCATE A DEALER
ESTIMATE PAYMENT
GET PRE-APPROVAL

Type a question here to search

Tips

CERTIFIED USED

Certified Used 1

Certification St

Warranty

Model Library

Program Comp

Program Accoi

Honda Care

Email this car

HOLD MODEL LIB

Select a model:

Civic Sedan

Select a year:

2005

I spent a lot of attention in the attractive Civic Sedan.

Certified
Used Car

X

Available Colors

INSTRUCTIONS:

Click on a color to paint the Civic Sedan.

[x] Eternal [x] Moon

[x] Night [x] Satin

[x] Shore II [x] Taffeta

1 Eternal Blue Pearl
1 Gray

Honda Certified Used Cars

2005 Civic Si

[Overview](#) [Gallery](#) [Engineering](#) [Safety](#) [Specifications](#)

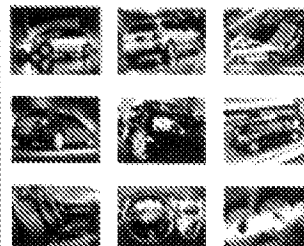
Overview: 2005 Civic Si. The 2005 Civic Si is a four-door sedan with a 180-hp 2.0-liter engine, 5-speed manual transmission, and 160-mph top speed. It features a 160-hp 2.0-liter engine, 5-speed manual transmission, and 160-mph top speed. It features a 160-hp 2.0-liter engine, 5-speed manual transmission, and 160-mph top speed.



7581 views



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FAQ

Type a question to search.

Tip

CERTIFIED USED

Certified Used i

Certification Se

Warranty

Model Library

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Program Accont

Honda Care

Email this page

How does it

Select a model:

Civic Si

Select a year:

2005

Civic Si shown in Satin Silver Metallic.

Certified
Used Car

1800 AVAILABLE COLORS

INSTRUCTIONS:

Click on a color to paint the Civic Si.



Nighthawk Black Pearl
Black

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EXHIBIT D

Int. Cl.: 12

Prior U.S. Cl.: 19

United States Patent Office

Reg. No. 1,045,160
Registered July 27, 1976

TRADEMARK
Principal Register

CIVIC

Honda Giken Kogyo Kabushiki Kaisha (Honda Motor
Co., Ltd.) (Japanese corporation)
5, 5-chome, Yaesu
Chuo-ku, Tokyo, Japan

For: AUTOMOBILES, in CLASS 19 (INT. CL. 12).
Priority claimed under Sec. 44(d) on Japanese appli-
cation filed May 17, 1972; Reg. No. 1,100,281, dated
Dec. 16, 1974.

Ser. No. 441,295, filed Nov. 16, 1972.

CHARLES R. FOWLER, Supervisory Examiner
M. B. SILEN, Examiner

EXHIBIT E

Int. Cl.: 12

Prior U.S. Cls.: 19, 21, 23, 31, 35 and 44

Reg. No. 2,573,521

United States Patent and Trademark Office

Registered May 28, 2002

**TRADEMARK
PRINCIPAL REGISTER**

CIVIC

HONDA GIKEN KUGYO KABUSHIKI KAISHA
(HONDA MOTOR CO., LTD.) (JAPAN COR-
PORATION)
2-1-1 MINAMIAOYAMA
MINATO-KU, TOKYO 107, JAPAN

FIRST USE 9-0-1972; IN COMMERCE 9-0-1972.

OWNER OF U.S. REG. NO. 1,045,160.

SER. NO. 76-284,956, FILED 7-12-2001.

FOR: AUTOMOBILES AND STRUCTURAL
PARTS THEREFOR, IN CLASS 12 (U.S. CLS. 19, 21,
23, 31, 35 AND 44).

EVELYN BRADLEY, EXAMINING ATTORNEY

EXHIBIT F



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hybrid cars

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MEWUnabridged.com

Britannica.com

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WORD GAMES

WORD FOR THE WISE

ONLINE STORE

HELP

Merriam-Webster Inc.

Company Information

Merriam-Webster Online Dictionary

Thesaurus

automobile

2 entries found for **automobile**

To select an entry, click on it

Main Entry: ²**automobile**

Function **noun**

• a usually four-wheeled automotive vehicle designed for

passenger transportation

• **automobile** *intransitive verb*

• **auto mo bilist** *noun* **ˈɔːtəˈmɒbɪlɪst**, *ˈɔːtəˈmɒbəl* *noun*

Merriam-Webster Online

☒ Dictionary

☐ Thesaurus

Browse by letter:

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N O P Q R S T U V W X Y Z

Browse words next to:

automobile



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