

ESTTA Tracking number: **ESTTA101880**

Filing date: **09/29/2006**

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	Treadways Corporation
Granted to Date of previous extension	11/15/2006
Address	2000 Campus Lane East Norriton, PA 19403 UNITED STATES

Attorney information	Jordan A. LaVine Flaster/Greenberg P.C. 1628 John F. Kennedy Boulevard Suite 1500 Philadelphia, PA 19103 UNITED STATES jordan.lavine@flastergreenberg.com Phone:215-279-9389
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Applicant Information

Application No	78772815	Publication date	07/18/2006
Opposition Filing Date	09/29/2006	Opposition Period Ends	11/15/2006
Applicant	GOODYEAR TIRE & RUBBER COMPANY, THE 1144 East Market Street, D/823 Akron, OH 443160001 UNITED STATES		

Goods/Services Affected by Opposition

Class 012. All goods and services in the class are opposed, namely: Tires

Applicant Information

Application No	78752330	Publication date	07/11/2006
Opposition Filing Date	09/29/2006	Opposition Period Ends	
Applicant	GOODYEAR TIRE & RUBBER COMPANY, THE 1144 East Market Street, D/823 Akron, OH 443160001 UNITED STATES		

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Attachments	noo notice of opposition terra quest.pdf (4 pages)(13845 bytes)
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Signature	/Jordan A. LaVine/
Name	Jordan A. LaVine
Date	09/29/2006

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

Treadways Corporation,	:	
	:	
Opposer,	:	
	:	Re: Application Serial Nos.
v.	:	78/772,815 and 78/752,330
	:	
The Goodyear Tire & Rubber Company,	:	
	:	
Applicant.	:	

NOTICE OF OPPOSITION

In the matter of Trademark Application Serial Nos. 78,772,815 and 78/752,330, filed December 14, 2005 and November 11, 2005, respectively, and published for opposition in the *Official Gazettes* of July 18, 2006 and July 11, 2006, respectively:

1. Treadways Corporation, a California corporation having a place of business at 2000 Campus Lane, East Norriton, PA 19403 (“Opposer”), believes that it will be damaged if registrations are issued in connection with the products therein identified and hereby opposes the registration of said trademarks in connection with such products. The grounds for opposition are further described below.

2. Applicant seeks to register “Terra Quest” and “Street Quest” as trademarks for “tires,” as evidenced by the publication of said trademarks in the *Official Gazettes* of July 18, 2006 and July 11, 2006.

3. Opposer is one of the world's largest marketers of private-brand tires.

4. On October 10, 2005, Opposer filed a trademark application in the U.S. Patent and Trademark Office for the mark “Winter Quest” based upon Opposer’s *bona*

fide intent to use the mark in commerce for “tires.” Opposer’s application was assigned Serial No. 78/730,272.

5. On August 29, 2006, the U.S. Patent and Trademark Office issued a Notice of Allowance for Opposer’s application for the “Winter Quest” mark.

6. On September 12, 2006, Opposer filed its Statement of Use with the U.S. Patent and Trademark Office alleging use of the “Winter Quest” trademark in commerce in connection with tires since at least as early as June 2006.

7. The “Winter Quest” trademark is inherently distinctive as used in connection with Opposer’s tires.

8. Applicant bases its applications to register “Terra Quest” and “Street Quest” on its bona fide intent to use the marks in commerce. On information and belief, Applicant did not begin using the “Terra Quest” mark prior to the December 14, 2005 filing date of its intent to use trademark application in the U.S. Patent and Trademark Office for the “Terra Quest” mark and did not begin using the “Street Quest” mark prior to the November 11, 2005 filing date of its intent to use trademark application in the U.S. Patent and Trademark Office for the “Street Quest” mark, and so priority is not an issue.

9. Applicant’s “Terra Quest” and “Street Quest” marks as used in connection with the tires identified in Applicant’s applications so resemble Opposer’s “Winter Quest” mark that they are likely to cause confusion, mistake or deception.

10. Applicant’s proposed “Terra Quest” and “Street Quest” marks are substantially similar to Opposer’s “Winter Quest” mark in sight, sound, meaning and overall commercial impression. Applicant’s addition of the term “Terra” or “Street” to the word “Quest” is not sufficient to distinguish the respective marks and further suggests

and/or implies that Applicant's products are among a line of "Quest" products associated with Opposer's "Winter Quest" products.

11. The respective goods are identical. Both Opposer's and Applicant's applications identify "tires." Applicant's and Opposer's goods are also likely to travel through the same or similar trade channels.

12. Members of the relevant public, and others familiar with Opposer's tires under the "Winter Quest" mark, upon learning of or hearing of the goods sold by Applicant under its "Terra Quest" and/or "Street Quest" marks, would be likely to mistakenly believe that such products originated from Opposer or were provided in association or affiliation with or under license from Opposer.

13. If Applicant is permitted to register its marks for the products set forth in the applications herein opposed, confusion of the trade and public is likely to result, such confusion resulting in damage and injury to Opposer.

14. Furthermore, any defect, objection to, or fault found with Applicant's products sold under its marks would necessarily reflect upon and injure the reputation of Opposer for its "Winter Quest" products.

15. If Applicant is granted registrations for the marks herein opposed in connection with the goods identified in the applications herein opposed, Applicant would thereby obtain at least a *prima facie* exclusive right to use such marks, which registrations would be a source of damage and injury to Opposer.

WHEREFORE, Opposer prays that Application Serial No. 78/772,815 for “Terra Quest” and Application Serial No. 7878/752,330 for “Street Quest” be rejected in connection with the goods identified therein, and that the registration of the marks therein sought for the goods therein specified be denied and refused, and that this opposition be sustained.

Respectfully submitted,

Dated: September 29, 2006

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