

ESTTA Tracking number: **ESTTA106034**

Filing date: **10/25/2006**

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	FORD MOTOR COMPANY
Granted to Date of previous extension	10/25/2006
Address	ONE AMERICAN ROAD DEARBORN, MI 48126 UNITED STATES

Attorney information	MATTHEW R. MOWERS BROOKS KUSHMAN, P.C. 1000 TOWN CENTER SUITE 2200 SOUTHFIELD, MI 48075 UNITED STATES mmowers@brookskushman.com, smgibbons@brookskushman.com, ejanda@brookskushman.com Phone: 248-358-4400
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Applicant Information

Application No	78619522	Publication date	06/27/2006
Opposition Filing Date	10/25/2006	Opposition Period Ends	10/25/2006
Applicant	Hendricks, John S. 8723 Persimmon Tree Road Potomac, MD 20854 UNITED STATES		

Goods/Services Affected by Opposition

Class 037. All goods and services in the class are opposed, namely: automobile restoration services
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Attachments	MARQUIS Notice of Opposition.pdf (4 pages)(136986 bytes)
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Signature	/matthew r. mowers/
Name	Matthew R. Mowers
Date	10/25/2006

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

In re Trademark Application Serial No. 78/619,522

Filed: April 28, 2005

Trademark: MARQUIS

Published in the *Official Gazette* at TM 801 on June 27, 2006

FORD MOTOR COMPANY)	
)	
Opposer,)	
)	
v.)	Opposition No. _____
)	
JOHN S. HENDRICKS)	
)	
Applicant.)	

NOTICE OF OPPOSITION

FILED ELECTRONICALLY
Commissioner for Trademarks
P.O. Box 1451
Alexandria, Virginia 22313-1451

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 JOHN S. HENDRICKS’s (“HENDRICKS”) registration of the mark MARQUIS for automobile restoration services in International Class 37, and hereby opposes registration of this mark.

As grounds for opposition, the Opposer alleges as follows:

1. The Opposer FORD is a world-famous manufacturer and provider of vehicles, parts and accessories for vehicles. FORD's authorized dealers provide repair and maintenance services for its vehicles.

2. FORD is the owner of U.S. Registration No. 0867834 for the mark MARQUIS for use in connection with automobiles in International Class 12 ("Opposer's MARQUIS mark"). The Opposer's MARQUIS mark is used to identify a vehicle in the Mercury brand, one of FORD's vehicle brands.

3. FORD has used the MARQUIS mark from a date at least as early as September, 1966 in connection with its vehicles and related goods and services.

4. The foregoing registration is valid, subsisting and incontestable and constitutes prima facie evidence of the validity of the Opposer's MARQUIS mark and registration, of FORD's ownership of and exclusive right to use the Opposer's MARQUIS mark in commerce, and provides constructive notice of ownership thereof by FORD.

5. FORD has expended considerable effort and expense in promoting the Opposer's MARQUIS mark and the goods associated with this mark, with the result that the purchasing public has come to know and recognize the products of the Opposer by this mark. FORD has exceedingly valuable good will established in the Opposer's MARQUIS mark.

6. Upon information and belief, Applicant HENDRICKS filed an intent-to-use based application on April 28, 2005 for the mark MARQUIS ("Applicant's MARQUIS mark"). As published, this application covers automobile restoration services in International Class 37.

7. Upon information and belief, HENDRICKS's application has been assigned Serial No. 78/619,522.

8. Upon information and belief, HENDRICKS filed its application for Applicant's MARQUIS mark long after FORD obtained trademark rights in the Opposer's MARQUIS mark.

9. The services identified by Applicant's design mark are directly related to the products and accessories offered under the Opposer's MARQUIS mark.

10. Upon information and belief, at the time HENDRICKS filed its trademark application to register Applicant's MARQUIS mark, HENDRICKS had full knowledge that FORD used the Opposer's MARQUIS mark to identify its vehicles and related goods and services offered in connection therewith.

11. Applicant's MARQUIS mark so resembles the FORD's previously-used and registered Opposer's MARQUIS mark as to be likely, when used in connection with HENDRICKS's goods, to cause confusion, or to cause mistake, or to deceive under Section 2(d) of the Lanham Act, as amended, 15 U.S.C. § 1052(d).

12. Applicant's MARQUIS mark consists of matter which falsely suggests a connection with the Opposer under Section 2(a) of the Lanham Act, as amended, 15 U.S.C. §1052(a).

13. Through extensive use of Opposer's MARQUIS mark in the automotive field, the Opposer's MARQUIS mark has become distinctive of FORD's goods and has become a valuable asset of Opposer. Opposer's MARQUIS mark is famous as defined under Section 43(c)(1) of the Lanham Act, as amended, 15 U.S.C. §1125(c)(1), and was famous prior to any use of Applicant's MARQUIS mark.


14. If HENDRICKS were granted the registration herein opposed, it would obtain at least a *prima facie* exclusive right to use of the Applicant's MARQUIS mark in connection with the designated goods. Such registration would be a source of injury and damage to the Opposer.

15. Since the mark as described in the application is identical to Opposer's registered MARQUIS mark, and HENDRICKS's services are closely related to the goods for which FORD owns a registration, confusion and deception as to the origin of the HENDRICKS's services bearing the Applicant's MARQUIS mark would occur, all to the damage and detriment of FORD. Such use would cause confusion in the trade resulting in damage and injury to FORD.

16. For the foregoing reasons, Opposer FORD will be damaged by the registration of Applicant's MARQUIS mark.

WHEREFORE, FORD requests that registration of Applicant's MARQUIS mark, Application Serial No. 78/619,522, be refused and this opposition be sustained.

Respectfully submitted,

By 
Matthew R. Mowers
Elizabeth F. Janda
Attorneys/Agents for Applicant

Date: October 25, 2006

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Our File: FMCT 19738 OC/81146656