

ESTTA Tracking number: **ESTTA116916**

Filing date: **12/27/2006**

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	Audi AG		
Entity	Corporation	Citizenship	Germany
Address	85045 Ingolstadt, GERMANY		

Attorney information	Susan B. Flohr Blank Rome LLP 600 New Hampshire Ave., NW Washington, DC 20037 UNITED STATES trademarks@blankrome.com, flohr@blankrome.com Phone:202 772 5870
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Applicant Information

Application No	78722027	Publication date	11/28/2006
Opposition Filing Date	12/27/2006	Opposition Period Ends	12/28/2006
Applicant	Snow, Jeremy R. 7652 Indian Springs Drive Powell, OH 43065 UNITED STATES		

Goods/Services Affected by Opposition

Class 012. All goods and services in the class are opposed, namely: motor land vehicles in the nature of electric motorized automobiles and electric motorized two wheeled cycles, and structural parts therefor.
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Attachments	EVANTENOOPP.pdf (3 pages)(12990 bytes)
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Signature	/sbf/
Name	Susan B. Flohr
Date	12/27/2006

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

In re Application Serial No.: 78/722027
Applicant: Snow, Jeremy R.
Trademark: EVANTE
Filed: September 28, 2005

Published for opposition November 28, 2006

To: Honorable Commissioner for Trademarks

NOTICE OF OPPOSITION

Sir:

Audi A.G., a corporation of Germany, having its principal place of business in Ingolstadt, Germany, believes that it will be damaged by registration of the mark EVANTE shown in the above-identified application and hereby opposes same. As grounds for opposition, it is alleged that:

1. The applicant seeks to register the mark EVANTE for motor land vehicles in the nature of electric motorized automobiles and electric motorized two wheeled cycles and structural parts therefore in International class 012, based on intent-to-use. The application was filed September 28, 2005, and published for opposition on November 28, 2006.

2. Since as early as 1997, Opposer Audi adopted and first used its distinctive trademark AVANT on or in connection with automobiles and structural parts therefore in commerce.

3. Audi has also used its distinctive mark AVANT on or in connection with a variety of collateral goods including base carrier bars for bicycles and luggage since at least as early as 1997, rubber and carpet automobile floor mats since at least as early as 1998, and model cars which it has sold for many years.

4. Audi is the owner of and relies upon its valid and incontestable Registration No. 2265517 for the mark AVANT for automobiles and structural parts thereof, dated July 27, 1999.

5. Audi's distinctive mark AVANT has been extensively used, advertised and promoted throughout the United States since as early as 1997 on or in connection with automobiles and automotive related products, as well as certain collateral products. As a result of such long term and widespread use and promotion, the mark has developed valuable goodwill and substantial recognition by the relevant public as an indication of origin of the goods so identified in Audi, all prior to the filing date of the application herein opposed.

6. Audi has priority based on its issued and incontestable registration for its mark AVANT and by virtue of having adopted and used said mark for many years prior to Applicant's filing of its herein opposed intent-to-use application or any use of the marks it may have made subsequent thereto.

7. The mark herein opposed, EVANTE, is likely to cause confusion, mistake or to deceive relevant prospective purchasers because of the public association already attaching to Audi's AVANT Mark, due to the similarities in appearance, meaning and sound.

8. Applicant's motor land vehicles in the nature of electric motorized automobiles and electric motorized two wheeled cycles, and structural parts therefore, are sufficiently related to Audi's AVANT automobiles and related products as to be likely to cause consumers to erroneously assume that Audi is the source of Applicant's goods identified or to be identified by the mark EVANTE, or that Applicant, is somehow affiliated, endorsed or otherwise related to Audi.

9. Concurrent use of the mark EVANTE herein opposed with Audi's AVANT mark for the parties' respective goods, for all the foregoing reasons, is likely to cause confusion to the

public. The application herein opposed should therefore be refused under section 2(d) of the Lanham Act.

10. If Applicant is granted registration for the mark herein opposed, it would thereby obtain at least a *prima facie* exclusive right to use the mark for the subject goods in class 012. Such registration also would put a cloud over Audi's right to register and use its AVANT mark in the United States and would be a source of damage and injury to Opposer.

WHEREFORE, Audi prays that this opposition be granted and that Application Serial No. 78/722027 be denied and refused.

The filing fee for this Notice of Opposition has been charged to Deposit Account No. 23-2185.

Respectfully submitted,

AUDI A.G.

By: /sbf/
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Date: December 27, 2006