

ESTTA Tracking number: **ESTTA122516**

Filing date: **01/31/2007**

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	Vectren Corporation
Granted to Date of previous extension	01/31/2007
Address	One Vectren Square Evansville, IN 47708 UNITED STATES
Correspondence information	Andrew L. Goldstein Freeborn & Peters LLP 311 S. Wacker Dr. Suite 3000 Chicago, IL 60606 UNITED STATES agoldstein@freebornpeters.com Phone:312-360-6000

Applicant Information

Application No	79015107	Publication date	10/03/2006
Opposition Filing Date	01/31/2007	Opposition Period Ends	01/31/2007
International Registration No.	0861485	International Registration Date	10/05/2004
Applicant	Victron Energy B.V. De Paal 35 Almere Haven 1351 JG, NETHERLANDS		

Goods/Services Affected by Opposition

Class 009. All goods and services in the class are opposed, namely: Non-interruptable electric power supplies, not for computers and computer peripheral devices; rectifiers; frequency converters; alternating current power supplies; apparatus for the reversal of current, namely inverters, battery chargers, power supplies and DC-DC converters

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	2509565	Application Date	10/13/2000
Registration Date	11/20/2001	Foreign Priority	NONE

		Date	
Word Mark	VECTREN		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 040. First use: First Use: 2000/03/31 First Use In Commerce: 2000/03/31 Generation of electricity		

U.S. Registration No.	2432276	Application Date	06/11/1999
Registration Date	02/27/2001	Foreign Priority Date	NONE
Word Mark	VECTREN		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 039. First use: First Use: 2000/03/31 First Use In Commerce: 2000/03/31 Utility services related to the provision of natural gas, electricity and energy		

U.S. Registration No.	2532627	Application Date	06/11/1999
Registration Date	01/22/2002	Foreign Priority Date	NONE
Word Mark	VECTREN		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 004. First use: First Use: 2000/03/31 First Use In Commerce: 2000/03/31 Natural gas		

U.S. Registration No.	2518133	Application Date	06/11/1999
Registration Date	12/11/2001	Foreign Priority Date	NONE
Word Mark	VECTREN		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 038. First use: First Use: 2000/06/30 First Use In Commerce: 2000/08/31 Telecommunication services, namely, providing local and long distance telephone and calling card services, multiple user high-speed access to a global computer network, basic and digital cable television transmission services, data transfer and networking services, video conferencing and the transmission of voice, video, and data via high speed fiber-optic communications networks		

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Signature	/alg/
Name	Andrew L. Goldstein
Date	01/31/2007

As grounds of opposition, it is alleged that:

1. The Applicant seeks to register VICTRON ENERGY and Design as a trademark for non-interruptable electric power supplies, not for computers and computer peripheral devices; rectifiers; frequency converters; alternating current power supplies; apparatus for the reversal of current, namely inverters, battery chargers, power supplies and DC-DC converters in International Class 9, as is evidenced by the publication of said mark in the Official Gazette in October 3, 2006 issue.

2. The Opposer adopted and began use of the trademark VECTREN at least as early as March 31, 2000. Opposer has, since then, continuously used the VECTREN trademark in connection with goods and services related to electricity natural gas, electricity and energy and other utility services, such as telecommunications services.

3. Opposer duly registered its mark in the United States Patent and Trademark Office in connection with such goods and services and owns the following registrations issued by the United States Patent and Trademark Office:

<u>Mark</u>	<u>Reg. No.</u>	<u>Reg. Date</u>	<u>Goods/Services</u>
VECTREN	2509565	November 20, 2001	Generation of electricity
VECTREN	2432276	February 27, 2001	Utility services related to the provision of natural gas, electricity and energy
VECTREN	2532627	January 22, 2002	Natural gas
VECTREN	2518133	December 11, 2001	Telecommunication services, namely, providing local and long distance telephone and calling card services, multiple user high-speed access to a global computer network, basic and digital cable television transmission services, data transfer and networking services, video conferencing and the transmission of voice, video, and data via high speed fiber-optic communications networks

5. Opposer has expended considerable amounts of time, effort and expense to promote its VECTREN mark. Accordingly, by virtue of the foregoing and by virtue of the excellence of its goods and services associated with the VECTREN mark, Opposer has developed a valuable amount of goodwill with respect to its VECTREN mark, which is an invaluable asset to Opposer.

6. The trademark proposed for registration by the Applicant, namely, VICTRON ENERGY, is confusingly similar to Opposer's VECTREN mark.

7. In light of the above, Applicant's use and registration of the trademark proposed for registration would result in damage and injury to the Opposer as it is likely to cause confusion, mistake, and deception on behalf of consumers with respect to the origin and source of Applicant's goods. Those familiar with Opposer's VECTREN mark would be likely to buy Applicant's goods as and for a product made and sold by the Opposer. Any defect, objection or fault found with Applicant's products, or any negative association connected therewith, marketed under its mark would necessarily reflect negatively upon and seriously injure the reputation and goodwill which the Opposer has established for its VECTREN mark.

8. If the Applicant is granted the registration herein opposed, it would thereby obtain at least a prima facie exclusive right to the use of its mark. Such registration would be a source of damage and injury to the Opposer.

WHEREFORE, the Opposer prays that the Application Serial No. 79/015107 be rejected, that no registration be issued thereon to Applicant and that this Opposition be sustained in favor of Opposer.