

ESTTA Tracking number: **ESTTA123328**

Filing date: **02/05/2007**

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	DaimlerChrysler Commerical Buses North America Ltd.
Granted to Date of previous extension	02/04/2007
Address	350 Hazelhurst Road Mississauga, ON L5J 4T8 CANADA

Attorney information	Claire F. Hawkins Christensen O'Connor Johnson Kindness PLLC 1420 Fifth Avenue Suite 2800 Seattle, WA 98101-2347 UNITED STATES efiling@cojk.com Phone:(206) 682-8100
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Applicant Information

Application No	78589320	Publication date	08/08/2006
Opposition Filing Date	02/05/2007	Opposition Period Ends	02/04/2007
Applicant	Glendale International Corp. 353 Iroquois Shore Road Oakville, L6H 1M3 CANADA		

Goods/Services Affected by Opposition

Class 012. All goods and seVICES in the class are opposed, namely: Recreational vehicles, namely travel trailers and fifth wheel trailers
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Attachments	2946PL.pdf (4 pages)(246006 bytes) 2946.ExA.pdf (4 pages)(182337 bytes) 2946.ExB.pdf (4 pages)(205809 bytes) 2946.ExC.pdf (4 pages)(195315 bytes) 2946.ExD.pdf (3 pages)(168862 bytes)
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Signature	/Claire F. Hawkins/
Name	Claire F. Hawkins
Date	02/05/2007

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

4 DAIMLERCHRYSLER COMMERCIAL
5 BUSES NORTH AMERICA, a Canadian
6 corporation,

7 Opposer,

8 v.

9 GLENDALE INTERNATIONAL CORP.,

10 Applicant.

No.

NOTICE OF OPPOSITION

11 DaimlerChrysler Commercial Buses North America, a Canadian corporation, residing
12 at 350 Hazelhurst Road, Mississauga, ON L5J 4T8 Canada (hereinafter "Opposer"), believes
13 that it will be damaged by registration of the mark ORION shown by Serial No. 78589320,
14 filed on March 17, 2005, in International Class 12, and hereby opposes the same. A copy of
15 this Trademark Registration is attached hereto as Exhibit A. As grounds for the opposition,
16 Opposer alleges as follows:

17 1. Opposer is now, and has been for many years, engaged in the business of the
18 production of busses and structural parts therefor.

19 2. Opposer is the owner of U.S. Trademark Registration No. 1656194, for the
20 mark ORION in International Class 12, registered on September 10, 1991; U.S. Trademark
21 Registration No. 2395888, for the mark ORION and Design in International Class 12,
22 registered on October 17, 2000; and U.S. Trademark Application No. 77080180, for the mark
23 ORION and Design in International Class 12, filed on January 10, 2007. Copies of these U.S.
24 Trademark Registrations and Application are attached hereto as Exhibits B-D.

25 3. Opposer's ORION mark is used in connection with busses and structural parts
26 therefor, and has been extensively promoted throughout the world.

1 4. On information and belief, Applicant Glendale International Corp. is a
2 Canadian corporation having an address of 353 Iroquois Shore Road Oakville L6H 1M3
3 Canada (hereinafter "Applicant").

4 5. On September 28, 2004, Applicant filed U.S. Application Serial No. 78589320
5 under Section 1(B) of the Trademark Act seeking to register the mark ORION for
6 Recreational vehicles, namely travel trailers and fifth wheel trailers, in International Class 12.
7 Applicant's ORION mark was published for opposition on August 8, 2006.

8 6. Applicant's application for the mark ORION for use in association with the
9 goods claimed in U.S. Application No. 78589320 will falsely suggest a connection between
10 Applicant and Opposer within the meaning of Section 2(a) of the Lanham Act, 15 U.S.C.
11 Section 1052(a). Applicant's intention to use a mark that so closely resembles Opposer's
12 ORION trademark, previously filed by Opposer, evidences an intention by Applicant to trade
13 on Opposer's goodwill associated with its trademark.

14 7. Furthermore, registration and use of Applicant's mark ORION will dilute the
15 distinctive quality of Opposer's ORION mark within the meaning of Section 43(c) of the
16 Lanham Act, 15 U.S.C. Section 1125(c).

17 8. The mark ORION, shown in U.S. Trademark Application Serial No.
18 78589320, if used in association with the goods claimed therein, is likely to cause confusion
19 with Opposer's ORION mark, and to cause mistake or to deceive within the meaning of
20 Section 2(d) of the Lanham Act, 15 U.S.C. Section 1052(d).

21 9. Accordingly, Opposer will be damaged by the registration sought by Applicant
22 insofar as the registration will constitute prima facie evidence of the validity of the
23 registration, Applicant's ownership of the mark ORION, and Applicant's exclusive right to use
24 the mark ORION when, in fact, Applicant is not entitled to such rights by virtue of Opposer's
25 prior registrations and application for the mark ORION in association with busses and
26 structural parts therefor.

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CERTIFICATE OF SERVICE

I hereby certify that on the 5th day of February, 2007 a true copy of the foregoing Notice of Opposition was served on counsel for Applicant by depositing a true and correct copy thereof in the United States mail in a sealed envelope with postage thereon fully prepaid, addressed as follows:

Mr. Sander R. Geising
Sisson Warren Sinclair
#600, 4911 - 51st Street
Red Deer, AB T4N 6V4
CANADA

Executed on: February 5, 2007



EXHIBIT A

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2007-02-05 13:17:48 ET

Serial Number: 78589320 Assignment Information

Registration Number: (NOT AVAILABLE)

Mark

ORION

(words only): ORION

Standard Character claim: Yes

Current Status: A request for an extension of time to file an opposition has been filed at the Trademark Trial and Appeal Board.

Date of Status: 2006-08-29

Filing Date: 2005-03-17

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 106

Attorney Assigned:
AYALA LOURDES Employee Location

Current Location: 650 -Publication And Issue Section

Date In Location: 2006-06-28

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Glendale International Corp.

Address:
Glendale International Corp.

353 Iroquois Shore Road
Oakville L6H 1M3
Canada

Legal Entity Type: Corporation
State or Country of Incorporation: Canada

GOODS AND/OR SERVICES

International Class: 012
Class Status: Active
Recreational vehicles, namely travel trailers and fifth wheel trailers
Basis: 1(b)
First Use Date: (DATE NOT AVAILABLE)
First Use in Commerce Date: (DATE NOT AVAILABLE)

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2006-08-29 - Extension Of Time To Oppose Received
2006-08-08 - Published for opposition
2006-07-19 - Notice of publication
2006-06-21 - Law Office Publication Review Completed
2006-06-21 - Assigned To LIE
2006-06-02 - Approved for Pub - Principal Register (Initial exam)
2006-05-25 - Amendment From Applicant Entered
2006-04-11 - Communication received from applicant
2006-04-11 - PAPER RECEIVED
2005-10-12 - Non-final action e-mailed
2005-10-12 - Non-Final Action Written
2005-10-07 - Assigned To Examiner

2005-03-22 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Sander R. Gelsing

Correspondent

SANDER R. GELSING; SISSON WARREN SINCLA

600, 4911 - 51 STREET

RED DEER; XPX - NOT PROVIDED

T4N 6V4

CAX - CANADA

Phone Number: (403) 343-3320

Fax Number: (403) 343-6069

EXHIBIT B

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2007-02-05 13:20:34 ET

Serial Number: 74101927 Assignment Information

Registration Number: 1656194

Mark (words only): ORION

Standard Character claim: No

Current Status: This registration has been renewed.

Date of Status: 2001-06-19

Filing Date: 1990-10-01

Transformed into a National Application: No

Registration Date: 1991-09-10

Register: Principal

Law Office Assigned: LAW OFFICE 9

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 900 -File Repository (Franconia)

Date In Location: 2001-06-22

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. DAIMLERCHRYSLER COMMERCIAL BUSES NORTH AMERICA LTD.

Address:

DAIMLERCHRYSLER COMMERCIAL BUSES NORTH AMERICA LTD.
350 HAZELHURST ROAD
MISSISSAUGA, ONTARIO L5J 4T8
Canada

Legal Entity Type: Corporation

State or Country of Incorporation: Canada

GOODS AND/OR SERVICES

International Class: 012

Class Status: Active

buses and structural parts thereof

Basis: 1(a)

First Use Date: 1977-06-23

First Use in Commerce Date: 1978-05-04

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2006-11-08 - Automatic Update Of Assignment Of Ownership

2006-09-18 - Review Of Correspondence Complete

2004-10-18 - PAPER RECEIVED

2001-06-19 - First renewal 10 year

2001-06-19 - Section 8 (10-year) accepted/ Section 9 granted

2001-02-20 - Combined Section 8 (10-year)/Section 9 filed

1998-06-15 - Response received for Post Registration action

1998-05-14 - Section 8 (6-year) accepted & Section 15 acknowledged

1997-12-08 - Response received for Post Registration action

1997-11-24 - Response received for Post Registration action

1997-09-30 - Response received for Post Registration action

1997-10-08 - Post Registration action mailed Section 8 & 15

1997-09-15 - Section 8 (6-year) and Section 15 Filed

1991-09-10 - Registered - Principal Register

1991-06-18 - Published for opposition

1991-05-17 - Notice of publication

1991-04-22 - Approved for Pub - Principal Register (Initial exam)

1991-03-18 - Examiner's amendment mailed

1991-03-15 - Allowance/count withdrawn

1991-02-22 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Joseph F. Schmidt

Correspondent

SHAUKAT A KARJEKER
CHRISTENSEN O'CONNER JOHNSON & KINDNESS
1420 5TH AVE STE 2800
SEATTLE WA 98101-2347

Domestic Representative

Laff, Whitesel, Conte & Saret

EXHIBIT C

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2007-02-05 13:22:29 ET

Serial Number: 75852807 Assignment Information

Registration Number: 2395888

Mark



(words only): ORION

Standard Character claim: No

Current Status: Section 8 and 15 affidavits have been accepted and acknowledged.

Date of Status: 2006-10-22

Filing Date: 1999-11-18

Transformed into a National Application: No

Registration Date: 2000-10-17

Register: Principal

Law Office Assigned: LAW OFFICE 104

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 830 -Post Registration

Date In Location: 2006-10-22

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. DAIMLERCHRYSLER COMMERCIAL BUSES NORTH AMERICA LTD.

Address:

DAIMLERCHRYSLER COMMERCIAL BUSES NORTH AMERICA LTD.
350 HAZELHURST ROAD

MISSISSAUGA, ONTARIO L5J 4T8
Canada
Legal Entity Type: Corporation
State or Country of Incorporation: Canada

GOODS AND/OR SERVICES

International Class: 012
Class Status: Active
buses and structural parts thereof
Basis: 1(a)
First Use Date: 1999-08-01
First Use in Commerce Date: 1999-09-01

ADDITIONAL INFORMATION

Design Search Code(s):
26.09.02 - Plain single line squares; Squares, plain single line
26.09.14 - Squares, three or more; Three or more squares
26.09.21 - Squares that are completely or partially shaded
27.01.04 - Letters forming objects; Numbers forming objects; Objects composed of letters or numerals;
Punctuation forming objects

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2006-11-08 - Automatic Update Of Assignment Of Ownership
2006-10-22 - Section 8 (6-year) accepted & Section 15 acknowledged
2006-10-13 - Assigned To Paralegal
2006-08-08 - Section 8 (6-year) and Section 15 Filed
2006-08-08 - TEAS Section 8 & 15 Received
2005-01-16 - Section 7 correction issued
2004-10-18 - PAPER RECEIVED
2000-10-17 - Registered - Principal Register
2000-07-25 - Published for opposition
2000-06-26 - Notice of publication

2000-05-05 - Approved for Pub - Principal Register (Initial exam)

2000-04-22 - Assigned To Examiner

2000-04-04 - Assigned To Examiner

2000-03-31 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

CLAIRE F. HAWKINS

Correspondent

CLAIRE F. HAWKINS
CHRISTENSEN O' CONNOR JOHNSON
1420 FIFTH AVENUE, SUITE 2800
SEATTLE, WASHINGTON 98101

Domestic Representative

Christensen O' Connor Johnson & Kindnes
S

EXHIBIT D

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2007-02-05 13:23:31 ET

Serial Number: 77080180 Assignment Information

Registration Number: (NOT AVAILABLE)

Mark



(words only): ORION

Standard Character claim: No

Current Status: Newly filed application, not yet assigned to an examining attorney.

Date of Status: 2007-01-18

Filing Date: 2007-01-10

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: (NOT AVAILABLE)

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 011 -Initial Review/Serialization Branch(Mailroom)

Date In Location: 2007-01-18

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. DaimlerChrysler Commercial Buses North America Ltd.

Address:

DaimlerChrysler Commercial Buses North America Ltd.
350 Hazelhurst Road

Mississauga, Ontario L5J4T8
Canada
Legal Entity Type: Corporation
State or Country of Incorporation: Canada

GOODS AND/OR SERVICES

International Class: 012
Class Status: Active
Buses and structural parts thereof
Basis: 1(b)
First Use Date: (DATE NOT AVAILABLE)
First Use in Commerce Date: (DATE NOT AVAILABLE)

ADDITIONAL INFORMATION

Design Search Code(s):
26.17.12 - Angles (geometric); Chevrons

Prior Registration Number(s):
1656194
2395888

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2007-01-19 - Notice Of Design Search Code Mailed
2007-01-18 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record
Claire F. Hawkins

Correspondent
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