

ESTTA Tracking number: **ESTTA303417**

Filing date: **08/28/2009**

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

Proceeding	91191441
Party	Plaintiff Marko Schuhfabrik GmbH
Correspondence Address	Ellen A. Rubel Moore & Van Allen PLLC 430 Davis Drive, Suite 500 Morrisville, NC 27560 UNITED STATES ellenrubel@mvalaw.com
Submission	Motion to Amend Pleading/Amended Pleading
Filer's Name	Ellen A. Rubel
Filer's e-mail	ellenrubel@mvalaw.com
Signature	/Ellen A. Rubel/
Date	08/28/2009
Attachments	Amended Notice of Opposition - THINK PROMOTIONAL GROUP.pdf (16 pages)(508053 bytes)

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

In the matter of Application Serial Number: 77/612,151

Published in the Official Gazette: April 14, 2009

Think Schuhwerk GmbH,)	
Opposer)	
v.)	
)	Opposition Number 91191441
Berger & Simson Enterprises, LLC)	
DBA Think Promotional Group,)	
Applicant)	

AMENDED NOTICE OF OPPOSITION

Think Schuhwerk GmbH, formerly known as Marko Schuhfabrik GmbH¹ (hereinafter “Opposer”), a corporation organized and existing under the laws of Austria and having a principal place of business at A-4794 Kopfing Hauptstrasse 35 Austria believes that it will be damaged by registration of the mark shown in application Serial Number 77/612,151 in International Class 35 and hereby opposes the same.

This Notice of Opposition is based on 15 U.S.C. § 1063(a) and the grounds for the opposition are as follows:

¹ Effective August 1, 2009, Marko Schuhfabrik GmbH legally changed its name to Think Schuhwerk GmbH. See copies of official documentation and certified English translation thereof contained in Exhibit A.

1. An extension of time, to and including August 12, 2009, was requested by and duly granted to Opposer by the Trademark Trial and Appeal Board pursuant to 37 C.F.R. §2.102.

2. On information and belief, on November 11, 2008, Berger & Simson Enterprises, LLC DBA Think Promotional Group, filed an application in the United States Patent and Trademark Office to register the mark **THINK PROMOTIONAL GROUP and Design** (hereinafter “Applicant’s Mark”) as a service mark for use in association with the following services, as amended, “Producer and distributor of promotional items for advertising and marketing purposes, namely preparing promotional and merchandising material for others.” (hereinafter “Applicant’s Services”) in International Class 35 (hereinafter “Applicant’s Application”).

3. Applicant’s Application was assigned Application Serial No. 77/612,151 and the mark was published for opposition in the *Official Gazette* of April 14, 2009.

4. Applicant filed Applicant’s Application under the actual use provisions of 15 U.S.C. § 1051(a), alleging a date of first use of November 4, 2008 and a date of first use in commerce of November 4, 2008.

5. Applicant acquired no rights in Applicant’s Mark in the United States prior to November 4, 2008, when Applicant first began to use its mark in commerce.

6. There is no issue of priority. Prior to the alleged first use date and the filing date for Applicant’s Application to register Applicant’s Mark, and/or prior to any date of use upon which Applicant can rely, Opposer, on April 18, 2007, filed its Request for Extension of Protection of its International Registration No. 0934984 for its THINK mark (hereinafter “Opposer’s Mark”) for use in International Class 35, Application Serial No. 79/0427,53, with “Retail store services in the field of men’s, women’s and children’s shoes, bags, clothing and leather goods; assistance in business management and product commercialization within the framework of a franchise contract” (hereinafter “Opposer’s Services”).

7. Opposer's prior pending application was assigned Application Serial No. 79/042,753, and on September 30, 2008, that pending application matured to registration, Registration No. 3,508,870.

8. The word mark portion of Applicant's Mark not only incorporates the whole of Opposer's Mark but, in addition, the first term and dominant portion of Applicant's Mark is identical to Opposer's Mark.

9. Applicant's Mark and Opposer's Mark are used or intended to be used in association with the same, similar or related services.

10. On information and belief, it is expected that Applicant's Services, in connection with which Applicant uses Applicant's Mark, are or will be marketed to the same potential purchasers in the same relevant markets as are the services in connection with which Opposer uses or will use Opposer's Mark.

11. On information and belief, Applicant uses or will use the same or similar media to advertise and/or promote Applicant's Services under Applicant's Mark as is used or is to be used by Opposer to advertise and/or promote Opposer's Services under Opposer's Mark.

12. Upon information and belief, the services marketed under Applicant's Mark are or will be distributed through the same channels of distribution and are or will be purchased and used by many of the same individuals and entities as those of the Opposer's Services.

13. Because of the similarity of marks, services, relevant markets, advertising, channels of distribution, purchasers, and/or users, Opposer believes that there is a very strong likelihood of confusion if Applicant is permitted to register Applicant's Mark for use in conjunction with Applicant's Services.

14. If Applicant is granted the registration herein opposed, Applicant would be placed in a position to deceive or mislead the public, as the registration would give Applicant *prima facie* exclusive rights to Applicant's Mark and all confusingly similar marks, thereby causing damage and injury to Opposer.

15. Because of the similarity of marks, relevant markets, advertising, channels of commerce, purchasers, and/or consumers, registration of Applicant's Mark would cause damage and injury to Opposer.

16. Because Applicant's Mark consists of a mark which is identical and/or closely resembles a non-abandoned mark prior used in the United States by Opposer, and Applicant's Mark is likely, when used

in connection with Applicant's Services, to cause confusion, to cause mistake, or to deceive, registration of Applicant's Mark is therefore barred under 15 U.S.C. §1052(d).

17. Accordingly, Opposer prays that said Application Serial Number 77/612,151 be rejected and the registration of the mark therein shown for the services therein specified be refused and denied.

Respectfully submitted this 28th day of August, 2009.



Ellen A. Rubel
N.C. Bar Number 28051
Moore & Van Allen PLLC
Attorney for Opposer, Think Schuhwerk GmbH
430 Davis Drive, Suite 500
Morrisville, North Carolina 27560
Telephone: 919-286-8000
Facsimile: 919-286-8199

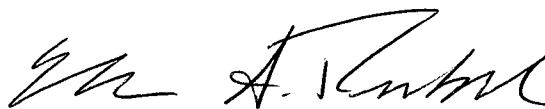
CERTIFICATE OF SERVICE

It is hereby certified that the foregoing **Amended Notice of Opposition** has been served this day by depositing a copy thereof in a depository under the exclusive care and custody of the United States Postal Service in a postage prepaid envelope and properly addressed as follows:

Richard W. Farrell
The Farrell Law Group, PC
4900 Falls of the Neuse Road
Suite 212
Raleigh, NC 27609

This the 28th day of August, 2009.

Moore & Van Allen PLLC



Ellen A. Rubel
N.C. State Bar No. 28051
Attorney for Opposer Think Schuhwerk GmbH
430 Davis Drive, Suite 500
Morrisville, NC 27560
Telephone: (919) 286-8000

EXHIBIT A

Certified Translation from the German Language

Dr. Wolfgang Lenhart
Public Notary
1010 Vienna (Wien)
Bösendorferstraße 5
DVR 1014251

REPUBLIC OF AUSTRIA

Corporate Register:
Administration of Justice

Corporate Data Bank:
FB

Key Date: 4 August 2009

Abstract from the Register
showing historical details

FN 111549 v

This abstract is based on the General Ledger supplemented by the details from the Deed Register.

Last entry dated 31 July 2009 carrying entry number 24; Court having jurisdiction: Landesgericht Ried for the Inn District

1 formerly: Landesgericht Ried for the Inn District HRB No. 10
Scharding District Court (previous first entry on 3 February 1978)

COMPANY
24 Think Schuhwerk GmbH

LEGAL FORM
1 Limited liability company (Company in GmbH-form)

REGISTERED PLACE OF BUSINESS in
1 Political Community of Kopfing located in the Inn District

BUSINESS ADDRESS
11 Hauptstraße 35
4794 Kopfing / Inn District

CAPITAL
16 EUR 36,400

ANNUAL STATEMENT KEY DATE
1 31 December

ANNUAL STATEMENT (last entry; for other details see historical summary)
23 for 31 December 2007; filed on 11 February 2009

POWER OF REPRESENTATION
8 If several managing directors have been appointed, the Company will be represented by two managing directors jointly or by one managing director in association with a "Prokurist" (signatory -holder of a commercial power of attorney).
If several managing directors have been appointed, the General Meeting shall have the right to confer an independent power of representation to individual managing directors.

1	Articles of Association adopted on 29 December 1977	001
1	Resolution of the General Meeting held on 18 September 1986 Capital increase from corporate funds by ATS 250,000.- and by resolution of the General Meeting of the same day by ATS 150,000.-, amounting to a total of ATS 500,000.- Amendment of item four of the Articles of Association	002
4	Merger Agreement dated 24 September 1999 Incorporation of the operation of Schuhfabrik Martin Koller GmbH & Co KG (FN 17722 m)	003
8	Resolution of the General Meeting held on 21 December 2000 Re-formatting the Articles of Association	005
16	Articles of Association amended by resolution of the General Meeting held on 10 March 2003 pursuant to 1 st EURO JUBCG	006
16	Capital increase by EUR 63.58 according to the resolution of the General Meeting held on 10 March 2003; amendment of item 5 of the Articles of Association	007
16	Amendment of item 11 of the Articles of Association according to the resolution of the General Meeting held on 10 March 2003	008
24	Amendment of item 1 of the Articles of Association according to the resolution of the General Meeting held on 23 June 2009	009

MANAGING DIRECTORS (under Trade Law)

C	Martin Koller born 13 August 1962
11	He has represented the Company as of 1 January 2002 together with another managing director or a "Prokurist"
H	Gerhard Aigner born 10 December 1958
11	He has represented the Company as of 1 January 2002 together with another managing director or another "Prokurist"

PROKURIST (signatory holding a commercial power of attorney)

J	Mag. Dr. Hans Posch born 13 June 1956
15	He has represented the Company as of 8 January 2003 together with another managing director or a "Prokurist"
K	Andreas Kainz born 7 November 1966
21	He has represented the Company as of 17 September 2007 together with another managing director or a "Prokurist"

PARTNER

E	LEGERO Schuhfabrik Gesellschaft m.b.H.
16	INITIAL CONTRIBUTION: EUR 36,400
16	Sum total: EUR 36,400
	AMOUNT PAID IN: EUR 36,400
	Sum Total. EUR 36,400

PERSONAL DETAILS

1	C	Martin Koller born 13 August 1962
1		No. 35 4794 Kopfling /Inn District
8	E	LEGERO Schuhfabrik Gesellschaft m.b.H.
8		(FN 59571 I)
12		Marburger Straße 10 8042 Graz

- 1 H Gerhard Aigner, born 10 December 1958
 11 Raimundstr. 10
 4053 Haid
- 15 J Mag. Dr. Hans Posch born June 13, 1956
 15 Heimschuh 14
 8451 Heimschuh
- 21 K Andreas Kainz born 7 November 1966
 21 Rinneggerstraße 102a
 8045 Weinitzen

EXECUTIVE SUMMARY

Landesgericht Ried / Inn District

- 1 First incorporation concluded on 3 August 1994 Corporate matter 914 Fr 69/94 g
 First incorporation pursuant to Art. XXIII, paragraph 4 FBCG
- 4 registered on 30 September 1999 Corporate matter 16 Fr 2272/99 m
 application for amendment received on 28 September 1999
- 8 registered on 7 February 2001 Corporate matter 16 Fr 72/01 m
 application for amendment received on 10 January 2001
- 11 registered on 17 January 2002 Corporate matter 16 Fr 109/02 a
 application for amendment received on 16 January 2002
- 12 registered on 26 September 2002 Corporate matter 16 Fr 1927/02 z
 application for amendment received on 25 September 2002
- 15 registered on 1 April 2003 Corporate matter 16 Fr 663/03 z
 application for amendment received on 31 March 2003
- 16 registered on 29 April 2003 Corporate matter 16 Fr 822/03 h
 application for amendment received on 28 April 2003
- 21 registered on 9 November 2007 Corporate matter 16 Fr 3366/07 i
 application for amendment received on 8 November 2007
- 23 registered on 12 February 2009 Corporate matter 16 Fr 466/09 m
 electronically filed annual statement received on 2 February 2009
- 24 registered on 31 July 2009 Corporate matter 16 Fr 2294/09 a
 application for amendment received on 7 July 2009

INFORMATION RECEIVED FROM ÖSTERREICHISCHE NATIONALBANK

as per 4 August 2009 in respect of valid identification number 316318
 issued via ÖGIZIN Clearing OfficeHAO21
 on 4 August 2009, at 14:39:20 p.m.: 649 11284670NUMBER OF LINES: 91

Circular stamp with insignia: Dr. Wolfgang Lenhart
 Public Notary
 Wien - Innere Stadt

Mag. Jophann Schleicher
 Deputy of Public Notary Dr. Wolfgang Lenhart
 In Wien-Innere Stadt
 - Gerichtskommissär - (Court Agent)

REPUBLIC OF AUSTRIA

Corporate Register:
Administration of Justice

Corporate Data Bank:
EB

Key Date: 11 August 2009

Abstract from the Register
showing historical details

FN 111549 x

This abstract is based on the General Ledger supplemented by the details from the Deed Register.

The details that are historical by 11 August 2009 have been struck out. Entities and branch establishments struck off the Register have been laterally marked by "#".

Last entry dated 7 August under registration No. 25; Court having jurisdiction: Landesgericht Ried having competence for the Inn District

1 formerly: Landesgericht Ried for the Inn district HRB No. 10
Scharding District Court (first entry on 3 February 1978)

COMPANY

1 "~~MARKET~~" Schuh-Gesellschaft m.b.H
4 ~~MARKET-SCHUHFABRIK GmbH~~
24 Think Schuhwerk GmbH

LEGAL FORM

1 Limited liability company (Company in GmbH-form)

REGISTERED PLACE OF BUSINESS based at
1 Political Community of Kopfing / Inn District

BUSINESS ADDRESS

1 ~~No. 35~~
~~4794 Kopfing / Inn District~~
11 Hauptstraße 35
4794 Kopfing / Inn District

CAPITAL

1 ~~ATS 500,000~~
16 EUR 36,400

KEY DATE FOR ANNUAL STATEMENT

31 December

ANNUAL STATEMENT

2 ~~per 31 December 1997; filed 29 August 1998~~
5 ~~per 31 December 1998; filed 1 October 1999~~
9 ~~per 31 December 1999; filed 6 March 2001~~
10 ~~per 31 December 2000; filed 3 January 2002~~
13 ~~per 31 December 2001; filed 20 Dec. 2002~~
17 ~~per 31 December 2002; filed 12 Nov. 2003~~
18 ~~per 31 December 2003; filed 10 Nov. 2004~~
19 ~~per 31 December 2004; filed 2 August 2005~~
20 ~~per 31 December 2005; filed 24 October 2006~~
22 ~~per 31 December 2006; filed 15 Feb. 2008~~
23 ~~per 31 December 2007; filed 11 Feb. 2009~~
25 per 31 December 2008; filed 5 August 2009

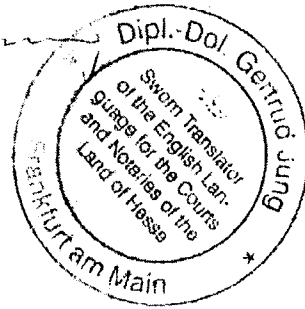
POWER OF REPRESENTATION

- 1 If several general directors have been appointed, the General Meeting determines their power of representation.
- 8 If several managing directors have been appointed, the Company shall be represented by two managing directors jointly or by one managing director in association with a "Prokurist" (signatory holder of a commercial power of attorney). If several managing directors have been appointed, the General Meeting has the right to confer independent power of representation to individual managing directors.

I hereby certify that the afore-going is a correct and complete translation of the German-language document before me.

Frankfurt am Main, 12 August 2009

Gertraud Jung



Stichtag 4.8.2009

Auszug mit aktuellen Daten

FN 111549 v

Grundlage dieses Auszuges ist das Hauptbuch ergänzt um Daten aus der Urkundensammlung.

Letzte Eintragung am 31.07.2009 mit der Eintragungsnummer 24
zuständiges Gericht Landesgericht Ried im Innkreis

- 1 früher Landesgericht Ried im Innkreis HRB 10
Bezirksgericht Scharding (fr.
Ersteintragung am 03.02.1978

FIRMA

- 24 Think Schuhwerk GmbH

RECHTSFORM

- 1 Gesellschaft mit beschränkter Haftung

SITZ in

- 1 politischer Gemeinde Kopfing im Innkreis

GESCHÄFTSANSCHRIFT

- 11 Hauptstraße 35
4794 Kopfing im Innkreis

KAPITAL

- 16 EUR 36.400

STICHTAG für JAHRESABSCHLUSS

- 1 31. Dezember

JAHRESABSCHLUSS (zuletzt eingetragen; weitere siehe Historie)

- 23 zum 31.12.2007 eingereicht am 11.02.2009

VERTRETUNGSBEFUGNIS

- 8 Die Gesellschaft wird, wenn mehrere Geschäftsführer bestellt sind, durch zwei Geschäftsführer gemeinsam oder durch einen von ihnen gemeinsam mit einem Prokuristen vertreten.
Die Generalversammlung kann, auch wenn mehrere Geschäftsführer bestellt sind, einzelnen von ihnen selbständige Vertretungsbefugnis erteilen.

- 1 Gesellschaftsvertrag vom 29.12.1977 001

- 1 Generalversammlungsbeschluss vom 18.09.1986 002
Kapitalerhöhung aus Gesellschaftsmitteln um ATS 250.000,--
und mit Beschluß der Gen.Vers. vom gleichen Tag um weitere

ATS 150.000,-- auf insgesamt ATS 500.000,--.
 Änderung des Gesellschaftsvertrages in Pkt. Viertens.

- 4 Einbringungsvertrag vom 24.09.1999
 Einbringung des Betriebes der
 Schuhfabrik Martin Koller GmbH & Co KG
 (FN 17722 m) 003
- 8 Generalversammlungsbeschluss vom 21.12.2000
 Neufassung des Gesellschaftsvertrages. 005
- 16 Gesellschaftsvertrag mit Generalversammlungsbeschluss
 vom 10.03.2003
 gemäß 1. Euro-JuBeG angepasst. 006
- 16 Generalversammlungsbeschluss vom 10.03.2003
 Kapitalerhöhung um EUR 63,58.
 Änderung des Gesellschaftsvertrages in Punkt 5. 007
- 16 Generalversammlungsbeschluss vom 10.03.2003
 Änderung des Gesellschaftsvertrages in Punkt 11. 008
- 24 Generalversammlungsbeschluss vom 23.06.2009
 Änderung des Gesellschaftsvertrages in Punkt 1. 009

GESCHAFTSFÜHRER (handelsrechtlich)

- 11 C Martin Koller, geb. 13.08.1962
 vertritt seit 01.01.2002 gemeinsam mit
 einem weiteren Geschäftsführer oder einem Prokuristen
- 11 H Gerhard Aigner, geb. 10.12.1958
 vertritt seit 01.01.2002 gemeinsam mit
 einem weiteren Geschäftsführer oder einem Prokuristen

PROKURIST

- 15 J Mag.Dr. Hans Posch, geb. 13.06.1956
 vertritt seit 08.01.2003 gemeinsam mit
 einem Geschäftsführer oder einem weiteren Prokuristen
- 21 K Andreas Kainz, geb. 07.11.1966
 vertritt seit 17.09.2007 gemeinsam mit
 einem Geschäftsführer oder einem weiteren Prokuristen

	GESELLSCHAFTER	STAMMEINLAGE	HIERAUF GELEISTET
16	E LEGERO Schuhfabrik Gesellschaft m.b.H.	EUR 36.400	
16	EUR 36.400
	Summen:	EUR 36.400	EUR 36.400

--- PERSONEN ---

- 1 C Martin Koller, geb. 13.08.1962
- 1 Nr. 35
 4794 Kopfung im Innkreis
- 8 E LEGERO Schuhfabrik Gesellschaft m.b.H.
- 8 (FN 59571 f)

- 17. Eintragung in das Firmenbuch am 04.08.2009
- 18. Eintragung in das Firmenbuch am 04.08.2009
- 19. Eintragung in das Firmenbuch am 04.08.2009
- 20. Eintragung in das Firmenbuch am 04.08.2009
- 21. Eintragung in das Firmenbuch am 04.08.2009
- 22. Eintragung in das Firmenbuch am 04.08.2009

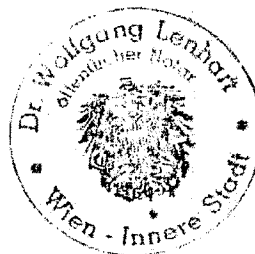
----- VOLLEZUGSPERMISSION -----

----- VOLLEZUGSPERMISSION -----

- 1. Eintragung über die Eintragung am 03.03.1999 Geschäftsfall 16 Fi 69794 m
- Eintragung über die Eintragung am 03.03.1999 Geschäftsfall 16 Fi 777295 m
- Antrag auf Änderung eingelangt am 08.09.1999
- 2. Eintragung am 07.07.2001 Geschäftsfall 16 Fi 77701 m
- Antrag auf Änderung eingelangt am 01.01.2001
- 3. Eintragung am 17.01.2002 Geschäftsfall 16 Fi 109702 z
- Antrag auf Änderung eingelangt am 16.01.2002
- 4. Eintragung am 26.09.2002 Geschäftsfall 16 Fi 192702 z
- Antrag auf Änderung eingelangt am 25.09.2002
- 5. Eintragung am 01.04.2003 Geschäftsfall 16 Fi 66702 z
- Antrag auf Änderung eingelangt am 31.03.2003
- 6. Eintragung am 29.04.2003 Geschäftsfall 16 Fi 823703 f
- Antrag auf Änderung eingelangt am 28.04.2003
- 7. Eintragung am 09.11.2007 Geschäftsfall 16 Fi 3366707 f
- Antrag auf Änderung eingelangt am 09.11.2007
- 8. Eintragung am 12.02.2009 Geschäftsfall 16 Fi 466709 m
- Elektronische Einreichung Jahresabschluss eingelangt am 02.02.2009
- 9. Eintragung am 31.07.2009 Geschäftsfall 16 Fi 2594709 s
- Antrag auf Änderung eingelangt am 07.07.2009

----- INFORMATION DER ÖSTERREICHISCHEN NATIONALBANK -----

zum 04.08.2009 gültige Identnummer: 310318
erstellt über Verrechnungsstelle ÖGIZIN ***** HA021
***** 4.8.2009 14:39:20, 649 11284673 *** ZEILEN: 91



Mag. Johann Schleicher
als Substitut der öffentlichen Notar
Dr. Wolfgang Lenhart
in Wien-Innere Stadt
als Gerichtskommissär

Stichtag 11.8.2009

Auszug mit historischen Daten

FN115193

Grundlage dieses Auszuges ist das Hauptbuch ergänzt um Daten aus der Unternehmenssammlung.

Die mit 11.08.2009 historischen Daten sind durch das Österreichische Rechtsanwaltsberufungsbeirat und Zweigstellenkammern sind seitlich mit dem gleichen BB verbunden.

Letzte Eintragung am 07.08.2009 mit der Eintragsnummer 115193
zuständiges Gericht Landesgericht Wien im Innkreis

1 früher Landesgericht Wien im Innkreis BB 10
Bezirksgericht Schöding 11
Ersteintragung am 03.01.1978

FIRMA

1 "MARKE" Schuh-Gesellschaft m.b.H.
4 ~~MARKE~~-Schuhfabrik GmbH
24 Think Schuhwerk GmbH

RECHTSFORM

1 Gesellschaft mit beschränkter Haftung

SITZ in

1 politischer Gemeinde Kopting im Innkreis

GESCHÄFTSANSCHRIFT

1 Nr. 35
4794 Kopting im Innkreis
11 Hauptstraße 35
4794 Kopting im Innkreis

KAPITAL

1 ATS 500.000
16 EUR 36.400

STICHTAG für JAHRABSCHLUSS

1 31. Dezember

FINANZBERICHT

2 zum 31.12.1997 eingereicht am 29.09.1998
5 zum 31.12.1998 eingereicht am 01.10.1999
9 zum 31.12.1999 eingereicht am 05.03.2001
10 zum 31.12.2000 eingereicht am 03.01.2002
13 zum 31.12.2001 eingereicht am 20.12.2002
17 zum 31.12.2002 eingereicht am 12.11.2003
18 zum 31.12.2003 eingereicht am 10.11.2004
19 zum 31.12.2004 eingereicht am 02.08.2005
20 zum 31.12.2005 eingereicht am 24.10.2006
22 zum 31.12.2006 eingereicht am 15.02.2008
23 zum 31.12.2007 eingereicht am 11.02.2008
25 zum 31.12.2008 eingereicht am 05.08.2009

VERTRETUNGSBEFUGNIS

1 Die Generalversammlung bestimmt, wenn mehrere Geschäftsführer bestellt sind, deren Vertretungsbefugnis.
8 Die Gesellschaft wird, wenn mehrere Geschäftsführer bestellt sind, durch zwei Geschäftsführer gemeinsam oder durch einen von ihnen gemeinsam mit einem Prokuristen vertreten.
Die Generalversammlung kann, auch wenn mehrere Geschäftsführer bestellt sind, einzelnen von ihnen selbständige Vertretungsbefugnis erteilen.