

ESTTA Tracking number: **ESTTA572828**

Filing date: **11/25/2013**

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	Campagnolo S.R.L.
Granted to Date of previous extension	11/23/2013
Address	Via della Chimica 4 Vicenza, 36100 ITALY

Attorney information	Anthony Venturino Novak Druce Connolly Bove + Quigg LLP 1875 Eye Street NW, Eleventh Floor Washington, DC 20006 UNITED STATES trademark@novakdruce.com Phone:202.331.7111
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Applicant Information

Application No	85745607	Publication date	09/24/2013
Opposition Filing Date	11/25/2013	Opposition Period Ends	11/23/2013
Applicant	Vanilla Bicycle Company 1711 S.E. Powell Boulevard Portland, OR 97202 OR		

Goods/Services Affected by Opposition


Class 012. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: bicycle frames, and bicycle parts, namely, bike stems, bike forks, and bike seat post heads
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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.	3964392	Application Date	11/07/2008
Registration Date	05/24/2011	Foreign Priority Date	10/10/2008
Word Mark	11 SPEED		

Design Mark	
Description of Mark	The trademark consists of the wording "11 SPEED" in fancy block letters, with the number "11" being larger than the word "SPEED"; the number is placed on a curved line that evokes a stylized road.
Goods/Services	<p>Class 012. First use: First Use: 0 First Use In Commerce: 0</p> <p>Bicycles; bicycle parts, components and accessories, namely, bicycle frames; tubes and connectors for bicycle frames; bicycle wheels; rims and spokes for bicycle wheels; pedals; hub quick release devices and hubs comprising said devices; rear derailleurs; front derailleurs; crank arms; gear wheels and gear wheel assemblies; crank arms with gear wheels; sprockets; sprocket assemblies; free wheels; transmission chains; drive or control means for front derailleurs or rear derailleurs, either mechanic or electronic; brakes; brake pads; disk brakes; cable guides; knobs and control levers; seat posts and seats; pumps and supports for pumps; shafts and bearings for crank arms and for pedals; head sets for steering assemblies, and bearings and bushings thereof; front and rear forks; brake cables for bicycles; fastening clamps; bottom brackets; bottom bracket assemblies; handlebar connections and handlebars; forks and suspension forks; bicycle stands; tires; tubular tires; inner tubes; clincher tires; rim tapes for tubeless tires; all of the aforementioned goods being for bicycles</p>

U.S. Registration No.	4252799	Application Date	11/18/2011
Registration Date	12/04/2012	Foreign Priority Date	11/04/2011

Word Mark	11
Design Mark	
Description of Mark	The mark consists of the number eleven inside a rectangular box, the outline of a horizontal box is overlaid on the image.
Goods/Services	<p>Class 012. First use: First Use: 0 First Use In Commerce: 0</p> <p>Bicycles; structural parts of bicycles, namely, bicycle frames, tubes and connectors for bicycle frames, bicycle wheels, rims and spokes for bicycle wheels, pedals, hub quick release devices and hubs comprising said devices, rear derailleurs, front derailleurs, crank arms, gear wheels and gear wheel assemblies, crank arms with gear wheels, sprockets, sprocket assemblies, free</p>

	wheels, mechanic and electronic drive and control means for front derailleurs or rear derailleurs, brakes, brake pads, disk brakes, cable guides, knobs and control levers, seat posts and seats, shafts and bearings for crank arms and for pedals, head sets for steering assemblies, and bearings and bushings thereof, front and rear forks, brake cables for bicycles, fastening clamps, bottom brackets, bottom bracket assemblies, handlebar connections and handlebars, forks and suspension forks, bicycle stands, tires, tubular tires, inner tubes, clincher tires, rim tapes for tubeless tires, bicycle pumps and supports for pump, transmission chains for land vehicles, namely, bicycle transmission chains; all of the aforementioned goods being for bicycles
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U.S. Registration No.	4405487	Application Date	04/05/2012
Registration Date	09/24/2013	Foreign Priority Date	03/09/2012
Word Mark	X11		
Design Mark			
Description of Mark	The mark consists of "X11".		
Goods/Services	Class 012. First use: First Use: 0 First Use In Commerce: 0 Bicycle parts, components and accessories, namely, bicycle frames; tubes and connectors for bicycle frames; bicycle wheels; rims and spokes for bicycle wheels; pedals; hubs quick release devices and hubs comprising said devices; rear derailleurs; front derailleurs; crank arms; gear wheels and gear wheel assemblies; crank arms with gear wheels; sprockets; sprocket assemblies; free wheels; transmission chains; drive or control means for front derailleurs or rear derailleurs, either mechanic or electronic; brakes; brake pads; disk brakes; cable guides; knobs and control levers; shafts and bearings for crank arms and for pedals; head sets for steering assemblies, and bearings and bushings thereof; front and rear forks; brake cables for bicycles; fastening clamps; bottom brackets; bottom bracket assemblies; handlebar connections and handlebars; bicycle stands; tires; tubular tires; inner tubes; clincher tires; rim tapes for tubeless tires; all of the aforementioned goods being for bicycles		

Attachments	79067647#TMSN.jpeg(bytes) 85476615#TMSN.jpeg(bytes) 85590558#TMSN.jpeg(bytes) Notice of Opposition.pdf(39597 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/anthony venturino/
Name	Anthony Venturino
Date	11/25/2013

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



Campagnolo S.r.l.,)	
)	
Opposer,)	Serial No.: 85/745,607
)	
v.)	Mark: 11 SPEEDVAGEN
)	
Vanilla Bicycle Company,)	Opposition No. _____
)	
Applicant.)	

NOTICE OF OPPOSITION

Opposer, Campagnolo S.r.l (“Campagnolo”) believes it will be damaged by registration of the mark 11 SPEEDVAGEN (and Design) (the “Opposed Mark”) claimed in Application Serial No. 85/745,607 (the “Application”) filed by Vanilla Bicycle Company (“Applicant”) on October 4, 2012 and published for opposition on September 4, 2013. Campagnolo timely filed a request for extension of time to oppose the Application, which was granted until November 23, 2013.

As grounds for opposition, Campagnolo alleges as follows:

1. For 80 years, long prior to the filing date of the Application, Campagnolo has been in the business of manufacturing and selling high performance bicycle components.
2. Campagnolo is the owner of valid and subsisting U.S. trademark registrations for the mark 11 SPEED and variants, including, but not limited to the following:

MARK	U.S. REG.	REG. DATE	GOODS
	3,964,392	05/24/2011	<p>Bicycles; bicycle parts, components and accessories, namely, bicycle frames; tubes and connectors for bicycle frames; bicycle wheels; rims and spokes for bicycle wheels; pedals; hub quick release devices and hubs comprising said devices; rear derailleurs; front derailleurs; crank arms; gear wheels and gear wheel assemblies; crank arms with gear wheels; sprockets; sprocket assemblies; free wheels; transmission chains; drive or control means for front derailleurs or rear derailleurs, either mechanic or electronic; brakes; brake pads; disk brakes; cable guides; knobs and control levers; seat posts and seats; pumps and supports for pumps; shafts and bearings for crank arms and for pedals; head sets for steering assemblies, and bearings and bushings thereof; front and rear forks; brake cables for bicycles; fastening clamps; bottom brackets; bottom bracket assemblies; handlebar connections and handlebars; forks and suspension forks; bicycle stands; tires; tubular tires; inner tubes; clincher tires; rim tapes for tubeless tires; all of the aforementioned goods being for bicycles (Class 12)</p>
	4,252,799	12/4/2012	<p>Bicycles; structural parts of bicycles, namely, bicycle frames, tubes and connectors for bicycle frames, bicycle wheels, rims and spokes for bicycle wheels, pedals, hub quick release devices and hubs comprising said devices, rear derailleurs, front derailleurs, crank arms, gear wheels and gear wheel assemblies, crank arms with gear wheels, sprockets, sprocket assemblies, free wheels, mechanic and electronic drive and control means for front derailleurs or rear derailleurs, brakes, brake pads, disk brakes, cable guides, knobs and control levers, seat</p>

			posts and seats, shafts and bearings for crank arms and for pedals, head sets for steering assemblies, and bearings and bushings thereof, front and rear forks, brake cables for bicycles, fastening clamps, bottom brackets, bottom bracket assemblies, handlebar connections and handlebars, forks and suspension forks, bicycle stands, tires, tubular tires, inner tubes, clincher tires, rim tapes for tubeless tires, bicycle pumps and supports for pump, transmission chains for land vehicles, namely, bicycle transmission chains; all of the aforementioned goods being for bicycles (Class 12)
X11	4,405,487	9/24/2013	Bicycle parts, components and accessories, namely, bicycle frames; tubes and connectors for bicycle frames; bicycle wheels; rims and spokes for bicycle wheels; pedals; hubs quick release devices and hubs comprising said devices; rear derailleurs; front derailleurs; crank arms; gear wheels and gear wheel assemblies; crank arms with gear wheels; sprockets; sprocket assemblies; free wheels; transmission chains; drive or control means for front derailleurs or rear derailleurs, either mechanic or electronic; brakes; brake pads; disk brakes; cable guides; knobs and control levers; shafts and bearings for crank arms and for pedals; head sets for steering assemblies, and bearings and bushings thereof; front and rear forks; brake cables for bicycles; fastening clamps; bottom brackets; bottom bracket assemblies; handlebar connections and handlebars; bicycle stands; tires; tubular tires; inner tubes; clincher tires; rim tapes for tubeless tires; all of the aforementioned goods being for bicycles

3. The above registrations are valid, subsisting, and in full force and effect.

Hereinafter, the above marks will be referred to collectively as the “Campagnolo Marks.”

4. Campagnolo is the owner of all right, title, and interest in and to the Campagnolo Marks, in connection with its goods.

5. Campagnolo has spent substantial sums of money to widely and extensively advertise and promote the goods that are sold under the Campagnolo Marks.

6. As a result of the same, the Campagnolo Marks have acquired a highly favorable reputation among members of the purchasing public and the trade and have become a valuable symbol of Campagnolo’s goodwill.

7. By virtue of the high degree of inherent and acquired distinctiveness of the Campagnolo Marks, the long duration and extensive use of the Campagnolo Marks, the long duration and extensive advertising and promotion of the Campagnolo Marks, the expansive trading area in which the Campagnolo Marks have been used and the high degree of recognition of the Campagnolo Marks, the Campagnolo Marks have become well-known and famous as a distinctive indicator of the origin of Campagnolo’s goods.

8. Notwithstanding Campagnolo’s prior rights in the Campagnolo Marks, on October 4, 2012 Applicant filed the Application in the United States Patent and Trademark Office for registration of the mark 11 SPEEDVAGEN (and Design) for “bicycle frames, and bicycle parts, namely, bike stems, bike forks, and bike seat post heads” in Class 12 (the “Opposed Goods”).

9. On information and belief, Applicant knew or had reason to know of Campagnolo’s prior rights in the Campagnolo Marks when Applicant filed the Application.

10. Campagnolo’s Registration No. 3,964,392 for 11 SPEED (and Design)

issued prior to the filing date of the Application and prior to any claimed use by Applicants of the Opposed Mark for the Opposed Goods in the United States.

11. Campagnolo's Marks and the Opposed Mark are confusingly similar in sight, sound, and meaning.

12. Applicant's' Class 12 goods are virtually identical to Campagnolo's registered goods. Therefore, the relevant consumers are likely to be confused, to be deceived, and to assume erroneously that Applicant and the Opposed Goods are in some way connected with, sponsored by, or affiliated with Campagnolo, all to Campagnolo's substantial detriment.

13. Likelihood of confusion in this case is increased by the high degree of recognition of Campagnolo's Marks as distinctive indicators of the origin of Campagnolo's registered goods.

14. The Opposed Goods identified in the Application are not limited in any way as to prospective customers or channels of trade. Therefore, Applicant's goods and Campagnolo's goods are presumed to be targeted, offered, and sold to the same classes of prospective consumers, namely, all consumers, and to flow in all channels of trade.

15. Registration of the Opposed Mark will support and assist Applicant in the confusing and misleading use of the Opposed Mark, will give color of exclusive statutory right to Applicant in derogation of the pre-existing and superior rights of Campagnolo, and will cause Campagnolo to lose control over the good and valuable reputation represented by and derived from the Campagnolo Marks, all causing irreparable harm and injury to Campagnolo.

WHEREFORE, Campagnolo respectfully prays that Application Serial No. 85/745,607 for 11 SPEEDVAGEN (and Design) be refused and that no registration issue thereon to Applicant, and, further that this Opposition be sustained in favor of Campagnolo.

Respectfully submitted,

/Jeffrey J. Morgan/

Anthony Venturino
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Attorneys for Opposer
Campagnolo, S.r.l.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing NOTICE OF OPPOSITION was sent by U.S. First Class Mail, postage prepaid, to the following on this 25th day of November, 2013:

Thomas J. Romano
Kolisch Hartwell, P.C.
520 SW Yamhill Street
Portland, Oregon 97204-1335

/Jeffrey J. Morgan/
Novak Druce Connolly Bove+ Quigg LLP