

ESTTA Tracking number: **ESTTA758744**

Filing date: **07/18/2016**

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	ROBERT BOSCH GMBH
Granted to Date of previous extension	07/20/2016
Address	WERNERSTRASSE 1 STUTTGART, 70469 GERMANY

Attorney information	MICHAEL J. STRIKER STRIKER, STRIKER & STENBY 103 EAST NECK ROAD HUNTINGTON, NY 11743 UNITED STATES striker@strikerlaw.com Phone:631 549 4700
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Applicant Information

Application No	86808248	Publication date	03/22/2016
Opposition Filing Date	07/18/2016	Opposition Period Ends	07/20/2016
Applicant	Pivotal Software, Inc. 3495 Deer Creek Road Palo Alto, CA 94304 UNITED STATES		

Goods/Services Affected by Opposition

Class 009. First Use: 2010/08/00 First Use In Commerce: 2010/08/00 All goods and services in the class are opposed, namely: Downloadable computer software for release engineering, deployment and lifecycle management of small- and large-scale cloud software

Grounds for Opposition

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

U.S. Registration No.	2100692	Application Date	06/26/1995
Registration Date	09/30/1997	Foreign Priority Date	NONE
Word Mark	BOSCH		
Design Mark			
Description of	NONE		

Mark	
Goods/Services	Class 042. First use: First Use: 0 First Use In Commerce: 0 design of computer software for use in data processing; research and development of new products for others; design and testing of new products of others; technical consultation and advice concerning new products of others; performing calculations in the design of new products for third parties; monitoring and/or surveillance of security systems for buildings and other systems such as computer systems

Attachments	SKMBT_42116071811150.pdf(332961 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	/Michael J. Striker/
Name	MICHAEL J. STRIKER
Date	07/18/2016

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

ROBERT BOSCH GMBH,)	
)	
Opposer,)	
)	
v)	Opposition No.
)	
PIVOTAL SOFTWARE, INC.,)	
)	
Applicant.)	
_____)	

NOTICE OF OPPOSITION

July 18, 2016

Robert Bosch GmbH, a private limited liability company, organized under the laws of the country of Germany, and having a place of business at Wernerstrasse 1, Stuttgart, 70469, Germany (Opposer), believes it will be damaged by registration of the mark BOSH shown in application Serial No. 86/808,248 filed November 3, 2015, and hereby opposes the same.

The following represent the grounds for opposition:

1. Opposer was founded in 1886 and has since become a global corporation that sells its products and services under its well-known BOSCH mark in more than 150 countries. Opposer is active in the general field of downloadable software both in the United States and around the world.

2. For many years, and long prior to any use by applicant, Opposer, its licensees and/or related companies, have continuously used the BOSCH mark in the United States in connection with the advertising, promotion and sale, as well as the development, maintenance and repair of software, including without limitation, downloadable software.

3. Opposer is the owner of U.S. trademark registration No. 2,100,692 for the trademark BOSCH registered on September 30, 1997 for the design of computer software for use in data processing, research and development of new products for others, design and testing of new products for others; technical consultation and advice concerning new products of others, performing calculations in the design of new products for third parties, monitoring and/or surveillance of security systems for buildings and other systems such as computer systems. The said registration is valid and subsisting. A copy of the said trademark registration is attached hereto as Exhibit A.

4. Opposer, directly and through its licensees and related companies, has sold millions of dollars' worth of products and services in the United States under its Bosch trademark and has spent millions of dollars in advertising and promoting this mark throughout the United States.

5. By virtue of extensive sales, advertising and promotion, Opposer has built up an extremely valuable goodwill symbolized by the BOSCH mark and has developed common law rights in this mark. The BOSCH trademark is a famous trademark entitled to a broad degree of protection.

6. On November 3, 2015, Pivotal Software, Inc. filed trademark application Serial No. 86/808,248 for the trademark BOSH for downloadable computer software for release engineering, deployment and life cycle management of small-and large-scale cloud software in Class 9.

7. The applicant's alleged trademark BOSH is phonetically identical to Opposer's famous and celebrated trademark BOSCH. Applicant's alleged trademark BOSH differs from Opposer's famous and celebrated trademark BOSCH by a single letter.

8. Use of Applicant's mark as shown in Application Serial No. 86/808,248 for the goods specified therein, is likely to cause confusion, mistake or deception as to the source of origin, sponsorship, or approval of Applicant's goods, in that users, purchasers and potential purchasers and consumers are likely to believe that Applicant's goods and services are Opposer's goods and services or are in some way legitimately connected with, licensed or approved by Opposer.

9. Applicant's use of the mark BOSH as shown in Application Serial No. 86/808,248, is without Opposer's consent or permission.

10. If Applicant is granted registration, Applicant will gain the *prima facia* right to use the mark BOSH as shown in Application Serial No. 86/808,248, thereby causing damage to Opposer and its BOSCH mark.

WHEREFORE, Opposer requests that this opposition be sustained and that the pending application be refused.

The required filing fee is submitted herewith. If the fee is missing or insufficient, authorization is given to debit the account of the undersigned, #19-4675.

It is requested that all correspondence be addressed to Striker, Striker and Stenby, 103 East Neck Road, Huntington, NY 11743, Attention: Michael J. Striker, Telephone: 631-549-4700
E-mail: striker@strikerlaw.com

Respectfully submitted,



Michael J. Striker
Attorney for Opposer
Reg. No.: 27233
103 East Neck Road
Huntington, New York 11743

EXHIBIT A



United States Patent and Trademark Office

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Typed Drawing

Word Mark BOSCH
Goods and Services IC 042. US 100 101. G & S: design of computer software for use in data processing; research and development of new products for others; design and testing of new products of others; technical consultation and advice concerning new products of others; performing calculations in the design of new products for third parties; monitoring and/or surveillance of security systems for buildings and other systems such as computer systems
Mark Drawing Code (1) TYPED DRAWING
Serial Number 74693645
Filing Date June 26, 1995
Current Basis 44E
Original Filing Basis 44D
Published for Opposition July 8, 1997
Registration Number 2100692
Registration Date September 30, 1997
Owner (REGISTRANT) ROBERT BOSCH GMBH CORPORATION FED REP GERMANY POSTFACH 30 02 20 70442 Stuttgart FED REP GERMANY
Attorney of Record Thomas S. Baker, Jr.
Priority Date December 24, 1994
Prior Registrations 0812033;AND OTHERS
Type of Mark SERVICE MARK
Register PRINCIPAL-2(F)
Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20070913.
Renewal 1ST RENEWAL 20070913
Live/Dead Indicator LIVE

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CERTIFICATE OF SERVICE

The undersigned, Michael J. Striker, hereby certifies that a true and complete copy of the attached Notice of Opposition was served via first class mail, postage prepaid, on the 18th day of July, 2016:

Pattishall, McAuliffe, Newbury, Hilliard & Geraldson, LLP
200 South Wacker Drive
Suite 2900
Chicago, IL 60606

Attention: Brett August



Michael J. Striker