

ESTTA Tracking number: **ESTTA802546**

Filing date: **02/21/2017**

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	Hella KGaA Hueck & Co.
Granted to Date of previous extension	02/22/2017
Address	Rixbecker Strasse 75 Lippstadt, 59552 GERMANY

Attorney information	MICHELLE ALVEY HUSCH BLACKWELL LLP 190 Carondelet Plaza, Suite 600 St. Louis, MO 63105 UNITED STATES pto-sl@huschblackwell.com, Michelle.Alvey@huschblackwell.com, nicole.anderson@huschblackwell.com Phone:314-480-1500
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**Applicant Information**

Application No	87056640	Publication date	10/25/2016
Opposition Filing Date	02/21/2017	Opposition Period Ends	02/22/2017
Applicants	Nygaard, Josef #2F Chicago, IL 60607 UNITED STATES  Anderson, Zachary Anderson #2F Chicago, IL 60607 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 025. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Hats; Sweatshirts; T-shirts
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**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.	4904845	Application Date	07/20/2015
Registration Date	02/23/2016	Foreign Priority	NONE

		Date	
Word Mark	HELLA		
Design Mark			
Description of Mark	The mark consists of a shaded horizontal oval with a light, single-line oval within it and the work "HELLA" in stylized letters against a light, megaphone-shaped background, the letters growing larger from left to right, all contained within the greater oval frame.		
Goods/Services	Class 018. First use: First Use: 2000/00/00 First Use In Commerce: 2000/00/00 carrying bags, tote bags Class 025. First use: First Use: 2000/00/00 First Use In Commerce: 2000/00/00 Caps; hats; shirts; sweat shirts; sweaters; vests; coats; jackets; scarves; shawls		

Attachments	86697966#TMSN.png( bytes ) Ntc_of_Opposition.pdf(134868 bytes )
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Signature	/Michelle Alvey/
Name	MICHELLE ALVEY
Date	02/21/2017

CERTIFICATE OF MAILING VIA ELECTRONIC TRANSMISSION

I hereby certify that this correspondence is being filed with the United States Patent and Trademark Office via the Electronic System for Trademark Trials and Appeals on February 21, 2017.

*/Michelle Alvey/*

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

U.S. Application Serial No. 87056640

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HELLA KGAA HUECK & CO.	)	
	)	
Opposer,	)	
	)	Proceeding No.
v.	)	
	)	
ZACHARY ANDERSON, JOSEF NYGAARD	)	
	)	
Applicants.	)	


**NOTICE OF OPPOSITION TO APPLICATION NO. 87056640**

Hella KGaA Hueck & Co., Rixbecker Strasse 75, Lippstadt, 59552, Germany, a limited partnership, organized under the laws of Germany (“Opposer”), is being and will be damaged by the use and registration of the mark as shown in Application Serial No. 87056640.

As grounds for the opposition, Opposer states:

1. On June 1, 2016, Applicants Zachary Anderson and Josef Nygaard, #2F 1434 W. Flournoy St., Chicago Illinois 60607 (“Applicants”) filed Application No. 87056640 for registration of the mark SUPERHELLA (“the Application”) for “Hats; Sweatshirts; T-shirts” in Class 25 (“Applicants’ goods”). The Application is based on an alleged bona fide intent to use the mark in commerce.

2. Opposer is the owner of the mark HELLA and all common law rights associated therewith, in connection with various goods and services, including consumer-marketed automotive goods and services, and apparel and Opposer owns applications and registrations for its HELLA mark, including the U.S. Registration set forth below (“all of Opposer’s rights in and to the HELLA marks, including the below referenced Registration) are hereinafter referred to as the HELLA Mark”).

Mark	Relevant Dates	Goods/Services
<a href="#">HELLA and Design</a>  RN: 4904845 SN: 86697966	Registered February 23, 2016 Int'l Class: 18,25 First Use: 2000 Filed: July 20, 2015	(Int'l Class: 18) carrying bags, tote bags (Int'l Class: 25) caps; hats; shirts; sweat shirts; sweaters; vests; coats; jackets; scarves; shawls

3. Since long prior to the filing date of the Application and prior to any alleged use by Applicants, Opposer and its licensees have used the HELLA Mark in connection with goods and services, including apparel (“Opposer’s Goods and Services”) that are related or identical to Applicant’s goods.

4. Opposer has expended effort and resources to promote and market Opposer’s Goods and Services under its HELLA Mark and, as a result, it has developed goodwill of inestimable value in its HELLA Mark in connection with Opposer’s Goods and Services.

5. Opposer's HELLA Mark is distinctive and is uniquely associated with Opposer in connection with Opposer's Goods and Services, by reason of Opposer's use and promotion of the HELLA Mark. Such use and promotion occurred prior to the filing date of the Application or any alleged use by Applicants.

6. Upon information and belief, Applicants' goods are or will be directed to the same or related class of consumers as are Opposer's Goods and Services and will be sold in the same channels of trade.

7. Applicants' mark that is the subject of the Application so resembles Opposer's HELLA Mark as to be likely, when used in conjunction with Applicants' goods, to cause confusion, mistake, or deception by causing the public to believe that Applicants' goods offered in connection with Applicants' mark originate from, or are otherwise sponsored or endorsed by Opposer in violation of Lanham Act §2(d) (15 U.S.C. 1052(d)).

8. For at least the reasons stated above, Opposer will be damaged by Applicants' registration of the mark that is the subject of Application No. 87056640.

WHEREFORE, Opposer prays that Application No. 87056640 be refused registration.

Opposer requests that, if there is any insufficiency in the payment of the statutory filing fee, such amount be debited from its Deposit Account No. 11-0160.

Respectfully submitted,

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*Attorneys for Opposer.*