

ESTTA Tracking number: **ESTTA908789**

Filing date: **07/12/2018**

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	Specialized Bicycle Components, Inc.		
Entity	Corporation	Citizenship	California
Address	15130 Concord Circle Morgan Hill, CA 95037 UNITED STATES		

Attorney information	LORI MEDDINGS QUARLES & BRADY LLP 33 E MAIN STREET SUITE 900 MADISON, WI 53703 UNITED STATES Email: lori.meddings@quarles.com, docketwi@quarles.com Phone: 608-283-2653
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Applicant Information

Application No	87768742	Publication date	06/12/2018
Opposition Filing Date	07/12/2018	Opposition Period Ends	07/12/2018
Applicant	Body Glove IP Holdings LP 5th Floor C/O MARQUEE BRANDS LLC 50 WEST 57TH STRE New York, NY 10019 UNITED STATES		

Goods/Services Affected by Opposition

Class 012. First Use: 2013/11/01 First Use In Commerce: 2013/11/01 All goods and services in the class are opposed, namely: Bicycles

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
Dilution by blurring	Trademark Act Sections 2 and 43(c)
Dilution by tarnishment	Trademark Act Sections 2 and 43(c)

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	2429939	Application Date	03/07/2000
Registration Date	02/20/2001	Foreign Priority Date	NONE
Word Mark	BODY GEOMETRY		

Design Mark	BODY GEOMETRY		
Description of Mark	NONE		
Goods/Services	Class 012. First use: First Use: 1998/08/12 First Use In Commerce: 1998/08/12 bicycle saddles		

U.S. Registration No.	2051237	Application Date	11/07/1994
Registration Date	04/08/1997	Foreign Priority Date	NONE
Word Mark	BODY GEOMETRY		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1994/10/01 First Use In Commerce: 1994/10/01 athletic clothing, namely [T-shirts, bike jerseys, bottoms, tights], footwear, [warm-up suits, sweatshirts, fleece vests, and headwear]		

U.S. Registration No.	2427076	Application Date	03/23/2000
Registration Date	02/06/2001	Foreign Priority Date	NONE
Word Mark	BODY GEOMETRY		
Design Mark	BODY GEOMETRY		
Description of Mark	NONE		
Goods/Services	Class 028. First use: First Use: 1999/09/07 First Use In Commerce: 1999/09/07 bicycle gloves		

U.S. Registration No.	4257765	Application Date	06/19/2012
Registration Date	12/11/2012	Foreign Priority Date	NONE
Word Mark	BODY GEOMETRY		

Design Mark	BODY GEOMETRY
Description of Mark	NONE
Goods/Services	Class 041. First use: First Use: 2006/07/17 First Use In Commerce: 2006/07/17 Fitting of bicycles to individual users via the assessment and evaluation of biomechanics, injury history, flexibility, goals and riding needs to optimize ergonomics, fit and bicycle performance; educational services, namely, providing seminars and workshops in the field of bicycle fitting, bicyclist biomechanics and bicycle ergonomics

Attachments	75938185#TMSN.png(bytes) 76008445#TMSN.png(bytes) 85655785#TMSN.png(bytes) BODY GLOVE Notice of Opposition.pdf(26568 bytes) BODY GLOVE Ex. A.pdf(59777 bytes) BODY GLOVE Ex. B.pdf(106165 bytes)
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Signature	/lori s. meddings/
Name	LORI MEDDINGS
Date	07/12/2018

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

In the Matter of Application Serial No. 87/768,742

Mark:

BODY GLOVE

Published in the *Official Gazette* on June 12, 2018

SPECIALIZED BICYCLE COMPONENTS, INC.,

Opposer,

v.

Opposition No. _____

Body Glove IP Holdings LP,

Applicant.

NOTICE OF OPPOSITION

Specialized Bicycle Components, Inc. (“Opposer”), a California corporation with an address at 15130 Concord Circle, Morgan Hill, California 95037, believes that it will be damaged by registration of the BODY GLOVE mark in Application No. 87/768,742 (the “Application”) filed by Body Glove IP Holdings LP (“Applicant”) and hereby opposes it. The grounds for opposition are as follows:

1. Upon information and belief, Applicant is a Delaware limited partnership composed of Marquee Brands IP GP LLC, a Delaware limited liability company and Marquee Brands LLC, a Delaware limited liability company, with an address at 5th Floor c/o Marquee Brands LLC, 50 west 57th Street, New York, New York 10019.

2. On January 24, 2018, Applicant filed the Application to register BODY GLOVE for “bicycles” in Class 12.

3. The Application was published for opposition on June 12, 2018. This Notice of Opposition is timely filed.

4. Opposer offers and sells high quality bicycles, bike components, bike accessories, and apparel.

5. Since at least as early as 1998, Opposer has used the trademark BODY GEOMETRY in connection with bicycle saddles in Class 12.

6. Opposer owns U.S. Registration No. 2429939 for BODY GEOMETRY for “bicycle saddles” in Class 12, which was granted on February 20, 2001. A printout of the current status and title of the Registration from the USPTO’s Trademark Status & Document Retrieval (TSDR) database is attached as Exhibit A.

7. Opposer owns numerous U.S. registrations for BODY GEOMETRY for a wide variety of goods and services, including "bike jerseys" in Class 25, "bicycle gloves" in Class 28, and "fitting of bicycles to individual users via the assessment and evaluation of biomechanics, injury history, flexibility, goals and riding needs to optimize ergonomics, fit and bicycle performance; educational services, namely, providing seminars and workshops in the field of bicycle fitting, bicyclist biomechanics and bicycle ergonomics" in Class 41. A listing of registrations most pertinent to this opposition are set forth in Exhibit B (collectively, the “Specialized Registrations”).

8. The Specialized Registrations have not been canceled, are valid, and are in full force and effect.

9. The Specialized Registrations, with the exception of Registration Number 4257765, are incontestable under Section 15 of the Lanham Act, 15 U.S.C. § 1065, are conclusive evidence of the validity of the registered marks, the registrations, Opposer's ownership of the marks, and Opposer's exclusive right to use the registered marks in commerce under Section 33 of the Lanham Act, 15 U.S.C. § 1115. Registration Number 5182400 is *prima facie* evidence of Opposer's exclusive right to control use of the registered mark in commerce.

10. Opposer has advertised and promoted the BODY GEOMETRY mark identified in the Specialized Registrations extensively and made substantial sales of bike parts, accessories, and bike fitting services under the mark. As a result of Opposer's extensive distribution, sale, promotion, and advertising of products and services under its BODY GEOMETRY mark, and the high quality of products sold under Opposer's BODY GEOMETRY mark, Opposer's BODY GEOMETRY mark has become well-known and famous and is widely recognized in the United States as designating high quality goods and services originating exclusively from Opposer.

11. Opposer has priority with respect to the marks at issue because it used and registered its BODY GEOMETRY mark, and such mark became famous, long before Applicant claimed use of its Application, November 1, 2013.

12. Applicant's BODY GLOVE mark is confusingly similar to Opposer's BODY GEOMETRY mark.

13. The goods identified in the Application ("Applicant's Goods"), "bicycles", are similar to "bicycle saddles", "bicycle gloves", "bike jerseys", and "fitting of bicycles to individual users via the assessment and evaluation of biomechanics, injury history, flexibility, goals and riding needs to optimize ergonomics, fit and bicycle performance; educational services, namely,

providing seminars and workshops in the field of bicycle fitting, bicyclist biomechanics and bicycle ergonomics" identified in the Specialized Registrations ("Opposer's Goods and Services").

14. The Application and Specialized Registrations contain no trade channel limitations or restrictions so Applicant's Goods and Opposer's Goods and Services are presumed to travel in the same trade channels to the same class of purchasers.

15. Based on the similarities in the parties' marks, goods/services, and trade channels, consumers and potential consumers are likely to believe that Applicant's Goods originate from Opposer or are otherwise endorsed, sponsored, or approved by Opposer, resulting in a likelihood of confusion in the marketplace and damage to Opposer.

16. Registration of Applicant's BODY GLOVE mark for Applicant's Goods will result in irreparable damage and injury to Opposer in violation of Section 2 of the Trademark Act, 15 U.S.C. § 1052.

17. Registration of Applicant's BODY GLOVE mark for Applicant's Goods is likely to cause dilution by blurring and impair the distinctiveness of Opposer's BODY GEOMETRY mark in violation of Section 43(c) of the Trademark Act, 15 U.S.C. § 1125(c).

WHEREFORE, Opposer requests that this opposition be sustained and that the registration sought by Applicant be refused for the Applicant's Goods in Class 12.

Dated: July 12, 2018.

Respectfully submitted,

SPECIALIZED BICYCLE COMPONENTS, INC.

By: *Lori. S. Meddings/*

Lori. S. Meddings
Quarles & Brady LLP
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Madison, Wisconsin 53703
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Lori.Meddings@quarles.com

EXHIBIT A

Generated on: This page was generated by TSDR on 2018-07-11 16:46:26 EDT

Mark: BODY GEOMETRY

BODY GEOMETRY

US Serial Number: 75938185

Application Filing Date: Mar. 07, 2000

US Registration Number: 2429939

Registration Date: Feb. 20, 2001

Register: Principal

Mark Type: Trademark

Status: The registration has been renewed.

Status Date: Nov. 23, 2010

Publication Date: Nov. 28, 2000

Mark Information

Mark Literal Elements: BODY GEOMETRY

Standard Character Claim: No

Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

Related Properties Information

International Registration Number: 0909552

International Application(s) /Registration(s) Based on this Property: A0006628/0909552

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (..) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *.* identify additional (new) wording in the goods/services.

For: bicycle saddles

International Class(es): 012 - Primary Class

U.S Class(es): 019, 021, 023, 031, 035, 044

Class Status: ACTIVE

Basis: 1(a)

First Use: Aug. 12, 1998

Use in Commerce: Aug. 12, 1998

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: Specialized Bicycle Components, Inc.

Owner Address: 15130 Concord Circle
Morgan Hill, CALIFORNIA 94037
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where Organized: CALIFORNIA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Lori S. Meddings

Docket Number: 087271-9508

Attorney Primary Email Address: mkeipdocket@michaelbest.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Lori S. Meddings
MICHAEL BEST & FRIEDRICH LLP
100 EAST WISCONSIN AVENUE, SUITE 3300
MILWAUKEE, WISCONSIN 53202
UNITED STATES

Phone: 414-271-6560

Fax: 414-277-0656

Correspondent e-mail: mkeipdocket@michaelbest.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Apr. 05, 2017	NOTICE OF SUIT	
Apr. 05, 2017	NOTICE OF SUIT	
Nov. 23, 2010	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	69934
Nov. 23, 2010	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Nov. 16, 2010	TEAS SECTION 8 & 9 RECEIVED	
Aug. 25, 2009	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Aug. 25, 2009	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Jun. 10, 2009	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Apr. 04, 2007	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	69934
Mar. 19, 2007	ASSIGNED TO PARALEGAL	69934
Feb. 02, 2007	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Feb. 02, 2007	TEAS SECTION 8 & 15 RECEIVED	
Nov. 24, 2006	CASE FILE IN TICRS	
Nov. 21, 2003	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Feb. 20, 2001	REGISTERED-PRINCIPAL REGISTER	
Nov. 28, 2000	PUBLISHED FOR OPPOSITION	
Oct. 27, 2000	NOTICE OF PUBLICATION	
Aug. 16, 2000	APPROVED FOR PUB - PRINCIPAL REGISTER	
Aug. 02, 2000	ASSIGNED TO EXAMINER	68113

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Feb. 20, 2011

TM Staff and Location Information

TM Staff Information - None**File Location****Current Location:** GENERIC WEB UPDATE**Date in Location:** Nov. 23, 2010**Assignment Abstract Of Title Information****Summary****Total Assignments:** 3**Registrant:** Specialized Bicycle Components, Inc.**Assignment 1 of 3****Conveyance:** SECURITY INTEREST**Reel/Frame:** [2161/0020](#)**Pages:** 10**Date Recorded:** Sep. 26, 2000**Supporting Documents:** [assignment-tm-2161-0020.pdf](#)**Assignor****Name:** [SPECIALIZED BICYCLE COMPONENTS, INC.](#)**Execution Date:** Apr. 01, 2000**Legal Entity Type:** CORPORATION**State or Country Where Organized:** CALIFORNIA**Assignee****Name:** [BANK OF AMERICA, N.A., AS ADMINISTRATIVE AGENT](#)**Legal Entity Type:** CORPORATION**State or Country Where Organized:** No Place Where Organized Found**Address:** COMMERCIAL AGENCY MANAGEMENT, WA1-501-37-20,
800 FIFTH AVENUE, FLOOR 37
WASHINGTON 98104**Correspondent****Correspondent Name:** RANDA TABET**Correspondent Address:** 1999 AVENUE OF THE STARS
SUITE 1600
LOS ANGELES, CA 90067**Domestic Representative - Not Found****Assignment 2 of 3****Conveyance:** SECURITY INTEREST**Reel/Frame:** [2325/0833](#)**Pages:** 11**Date Recorded:** Jul. 12, 2001**Supporting Documents:** [assignment-tm-2325-0833.pdf](#)**Assignor****Name:** [SPECIALIZED BICYCLE COMPONENTS, INC.](#)**Execution Date:** Jun. 29, 2001**Legal Entity Type:** CORPORATION**State or Country Where Organized:** CALIFORNIA**Assignee****Name:** [GENERAL ELECTRIC CAPITAL CORPORATION AS ADMINISTRATIVE AGENT](#)**Legal Entity Type:** CORPORATION**State or Country Where Organized:** No Place Where Organized Found**Address:** SUITE 200
350 SOUTH BEVERLY DRIVE
BEVERLY HILLS, CALIFORNIA 90212**Correspondent****Correspondent Name:** JILL H. MATICHAK, ESQ.**Correspondent Address:** O'MELVENY & MEYERS LLP
EMBARCARDO CENTER WEST, 275 BATTERY
STREET, SUITE 2600
SAN FRANCISCO, CA 94111-3305**Domestic Representative - Not Found**

Assignment 3 of 3

Conveyance: RELEASE OF SECURITY INTEREST

Reel/Frame: [2326/0110](#)

Pages: 9

Date Recorded: Jul. 12, 2001

Supporting Documents: [assignment-tm-2326-0110.pdf](#)

Assignor

Name: [BANK OF AMERICA, N.A., AS ADMINISTRATIVE AGENT](#)

Execution Date: Jun. 29, 2001

Legal Entity Type: UNITED STATES ASSOCIATION

State or Country Where Organized: No Place Where Organized Found

Assignee

Name: [SPECIALIZED BICYCLE COMPONENTS, INC.](#)

Legal Entity Type: CORPORATION

State or Country Where Organized: CALIFORNIA

Address: 15130 CONCORD CIRCLE
MORGAN HILL, CALIFORNIA 95037

Correspondent

Correspondent Name: O'MELVENY & MYERS LLP

Correspondent Address: JILL H. MATICHAK, ESQ.
EMBARCADERO CENTER WEST
275 BATTERY STREET, SUITE 2600
SAN FRANCISCO, CA 94111-3305

Domestic Representative - Not Found

EXHIBIT B

Opposer's relevant United States trademark registrations

Mark	Reg. No.	Goods and Services	Reg. Date
BODY GEOMETRY	2429939	Int'l Class 12 Bicycle saddles. FIRST USE: 19980812. FIRST USE IN COMMERCE: 19980812	February 20, 2001
BODY GEOMETRY	2051237	Int'l Class 25 Athletic clothing, namely [T-shirts, bike jerseys, bottoms, tights], footwear, [warm-up suits, sweatshirts, fleece vests, and headwear]. FIRST USE: 19941001. FIRST USE IN COMMERCE: 19941001	April 8, 1997
BODY GEOMETRY	2427076	Int'l Class 28 Bicycle gloves. FIRST USE: 19990907. FIRST USE IN COMMERCE: 19990907	February 6, 2001
BODY GEOMETRY	4257765	Int'l Class 41 Fitting of bicycles to individual users via the assessment and evaluation of biomechanics, injury history, flexibility, goals and riding needs to optimize ergonomics, fit and bicycle performance; educational services, namely, providing seminars and workshops in the field of bicycle fitting, bicyclist biomechanics and bicycle ergonomics. FIRST USE: 20060717. FIRST USE IN COMMERCE: 20060717	December 11, 2012