

ESTTA Tracking number: **ESTTA1040143**

Filing date: **03/05/2020**

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	Venturi Automobiles		
Entity	Corporation	Citizenship	Monaco
Address	7, rue du Gabian Monaco, 98000 MONACO		

Attorney information	Nicholas D. Wells Legends Law Group, PLLC 330 Main St. Kaysville, UT 84037 UNITED STATES nwells@legendslaw.com 8013374500		
----------------------	---	--	--

**Applicant Information**

Application No	88475771	Publication date	02/04/2020
Opposition Filing Date	03/05/2020	Opposition Period Ends	03/05/2020
Applicant	Siemens Mobility, Inc. 16th Floor 498 Seventh Avenue New York, NY 10018 UNITED STATES		

**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: railway passenger coaches on train sets, composed of railway cars and locomotives
--

**Grounds for Opposition**

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

**Mark Cited by Opposer as Basis for Opposition**

U.S. Registration No.	3419708	Application Date	10/17/2003
Registration Date	04/29/2008	Foreign Priority Date	NONE
Word Mark	VENTURI		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 012. First use: First Use: 2005/01/01 First Use In Commerce: 2005/01/01 Automobiles and structural parts therefor

Attachments	200305 VENTURE-TTAB Opposition.pdf(104030 bytes )
-------------	---

Signature	/Nicholas Wells/
Name	Nicholas D. Wells
Date	03/05/2020

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

Mark: VENTURE  
Serial No.: 88475771  
Published: February 4, 2020

Venturi Automobiles		
	Opposer,	
v.		Opposition No. _____
Siemens Mobility, Inc.		
	Applicant	

**NOTICE OF OPPOSITION**

In the matter of trademark application Serial No. 88475771 for the trademark VENTURE, filed June 17, 2019 in connection with “railway passenger coaches on train sets, composed of railway cars and locomotives” in Class 012 and published in the Official Gazette on February 4, 2020, Opposer Venturi Automobiles (“Opposer”), a corporation organized under the laws of Monaco and having a place of business at 7, rue du Gabian, MONACO 98000, believes it will be damaged by registration of the mark shown in the above identified application, and hereby opposes the same.

The grounds for the opposition are as follows:

1. Opposer is the owner of U.S. Trademark Reg. No. 3419708 for VENTURI in International Class 012 in connection with “Automobiles and structural parts therefor,” filed October 17, 2003 and registered April 29, 2008.

2. Opposer's registration 3419708 for VENTURI (herein referred to as "Opposer's Registration") has priority based on having a date of first use in commerce in the United States that is before the date of first use alleged in the opposed application, and based on having a filing date that is before the filing date of the opposed application.
3. Opposer's Registration is active, valid, and enforceable.
4. Opposer has used its VENTURI mark in commerce in the United States since at least as early as 2005.
5. Opposer has priority over Applicant based on Opposer's earlier use of its VENTURI mark and based on the earlier filing date of Opposer's Registration.
6. Applicant's mark is likely, when used on or in connection with Applicant's goods, to cause confusion, or to cause mistake, or to deceive due to its being confusingly similar to the mark in Opposer's Registration and its use in connection with goods that are similar or identical to the goods sold by Opposer in connection with Opposer's Registration, and on goods which travel in the same channels of trade as goods sold in connection with Opposer's Registration.
7. The mark in the Application is not registrable under Section 2(d) of the Lanham Act in view of Opposer's prior, continuous, ongoing and current use of its marks in commerce.
8. As a result of the use and promotion of Opposer's VENTURI mark for the goods identified above, Opposer's VENTURI mark has acquired

significant goodwill and has become famous prior to Applicant's first use of its mark and prior to the filing date of the subject Application.

9. Opposer's VENTURI mark is a famous mark within the meaning of Section 43(c) of the Lanham Act.
10. Registration of the confusingly similar mark in the Application will lessen the capacity of Opposer's VENTURI mark to identify and distinguish the goods of Opposer, and such registration is thereby likely to cause dilution of Opposer's VENTURI mark.

WHEREFORE, Opposer believes that it will be damaged by registration of Applicant's mark and prays that this opposition be sustained.

Respectfully submitted on March 5, 2020.

By: Nicholas D. Wells

Nicholas D. Wells  
Stephen H. Bean  
Legends Law Group, PLLC  
330 N. Main St.  
Kaysville, Utah 84037  
(801) 337-4500  
Email: [nwells@legendslaw.com](mailto:nwells@legendslaw.com)

Attorneys for Opposer,  
Venturi Automobiles