

ESTTA Tracking number: **ESTTA1253470**

Filing date: **12/12/2022**

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	Aston Martin Lagonda Limited LLC
Granted to date of previous extension	12/11/2022
Address	BANBURY ROAD GAYDON WARWICK, CV35 0DB UNITED KINGDOM
Attorney information	JESSICA A. EKHOFF PATTISHALL, MCAULIFFE, NEWBURY, HILLIARD & GERALDSON LLP 200 S. WACKER DR. STE. 2900 CHICAGO, IL 60606 UNITED STATES Primary email: jae@pattishall.com Secondary email(s): pb@pattishall.com, pam@pattishall.com No phone number provided
Docket no.	

Applicant information

Application no.	97093762	Publication date	06/14/2022
Opposition filing date	12/12/2022	Opposition period ends	12/11/2022
Applicant	Berry Global, Inc. 101 OAKLEY STREET EVANSVILLE, IN 47710 UNITED STATES		

Goods/services affected by opposition

Class 012. First Use: None First Use In Commerce: None All goods and services in the class are opposed, namely: Fitted covers of plastic for vehicles and boats
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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.	1337773	Application date	04/16/1984
Register	Principal		

Registration date	05/28/1985	Foreign priority date	NONE
Word mark	VANTAGE		
Design mark			
Description of mark	NONE		
Goods/services	Class 012. First use: First Use: Apr 1, 1978 First Use In Commerce: Apr 1, 1978 Automobiles and Structural Parts Therefor		

U.S. registration no.	5230009	Application date	08/11/2016
Register	Principal		
Registration date	06/27/2017	Foreign priority date	04/20/2016
Word mark	VANTAGE GT8		
Design mark	VANTAGE GT8		
Description of mark	NONE		
Goods/services	Class 012. First use: First Use: None First Use In Commerce: None Cars; motor cars; structural replacement parts and fittings for the aforesaid goods, namely, structural replacement parts and fittings for cars and motor cars		

U.S. registration no.	5230005	Application date	08/11/2016
Register	Principal		
Registration date	06/27/2017	Foreign priority date	04/20/2016
Word mark	VANTAGE GT12		
Design mark	VANTAGE GT12		
Description of mark	NONE		
Goods/services	Class 012. First use: First Use: None First Use In Commerce: None Cars; motor cars; structural replacement parts and fittings for the aforesaid goods, namely, structural replacement parts and fittings for cars and motor cars		

Attachments	79195760#TMSN.png(bytes) 79195346#TMSN.png(bytes) Notice of Opposition - BIOVANTAGE.pdf(302350 bytes)
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Signature	/Jessica A. Ekhoff/
Name	JESSICA A. EKHOFF
Date	12/12/2022

**UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Application Serial No. 97/093,762: BIOVANTAGE

ASTON MARTIN LAGONDA LLC,)	
)	
Opposer,)	Opposition No. _____
)	
v.)	
)	
BERRY GLOBAL, INC.,)	
)	
)	
Applicant.)	

NOTICE OF OPPOSITION

Aston Martin Lagonda LLC, a United Kingdom limited liability company having offices in Warwick, United Kingdom (“Opposer”), believes it will be damaged by registration of the mark identified in Application Serial No. 97/093,762 (“Application”), BIOVANTAGE, in Class 12, and files this notice of opposition pursuant to 37 C.F.R. § 2.104(a). The grounds for the opposition are stated below.

1. Opposer and its predecessors have, for many years, been engaged in the manufacture, distribution, advertising, and sale of, among other things, automobiles and parts therefor in the United States under the VANTAGE mark.

2. Since long prior to the filing date of the Application, Opposer and its predecessors have continuously used the VANTAGE mark in commerce throughout the United States in connection with, among other things, automobiles and parts therefor.

3. Opposer owns the trademark registrations shown below for its VANTAGE and VANTAGE-formative marks:

Mark	Reg. No.	Reg. Date	Goods
VANTAGE	1,337,773	May 28, 1985	Automobiles and structural parts therefor
VANTAGE GT8	5,230,009	June 27, 2017	Cars; motor cars; structural replacement parts and fittings for the aforesaid goods, namely, structural replacement parts and fittings for cars and motor cars
VANTAGE GT12	5,230,005	June 27, 2017	Cars; motor cars; structural replacement parts and fittings for the aforesaid goods, namely, structural replacement parts and fittings for cars and motor cars

Print-outs from the United States Patent and Trademark Office records showing the current status and title of these registrations are attached hereto as Exhibit A.

4. Berry Global, Inc. applied to register BIOVANTAGE for, among other things, “Fitted covers of plastic for vehicles and boats” in Class 12.

5. Opposer has senior rights to the VANTAGE mark, and neither Applicant nor any predecessor or related company of Applicant has any basis for claiming rights in the BIOVANTAGE mark prior to Opposer’s claim of rights.

6. Use of the BIOVANTAGE mark in connection with the goods identified in Class 12 of the Application is likely to cause consumer confusion and mislead consumers into

believing there is some kind of connection, affiliation, or sponsorship between Applicant and Opposer or between their respective goods.

7. Applicant's use of the BIOVANTAGE mark is without Opposer's consent or permission.

Opposer submits the requisite filing fee of \$600.00. Please debit any deficiency from or credit any overpayment to Account No. 16-0650, and address all correspondence to Jessica A. Ekhoﬀ, Pattishall, McAuliffe, Newbury, Hilliard & Geraldson LLP, 200 South Wacker Drive, Suite 2900, Chicago, Illinois 60606.

Dated: December 12, 2022

Respectfully submitted,

PATTISHALL, MCAULIFFE, NEWBURY,
HILLIARD & GERALDSON LLP

By: /Jessica A. Ekhoﬀ/

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Attorneys for Aston Martin Lagonda LLC

EXHIBIT A

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Typed Drawing

Word Mark	VANTAGE
Goods and Services	IC 012. US 019. G & S: Automobiles and Structural Parts Therefor. FIRST USE: 19780401. FIRST USE IN COMMERCE: 19780401
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	73475403
Filing Date	April 16, 1984
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	March 19, 1985
Registration Number	1337773
Registration Date	May 28, 1985
Owner	(REGISTRANT) Aston Martin Lagonda Limited LIMITED LIABILITY COMPANY UNITED KINGDOM Tickford St. Newport Pagnell, Buckinghamshire ENGLAND MK16 9AN
Attorney of Record	David M. Kelly
Type of Mark	TRADEMARK
Register	PRINCIPAL
Affidavit Text	SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20150609.
Renewal	2ND RENEWAL 20150609
Live/Dead Indicator	LIVE

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VANTAGE GT8

Word Mark

VANTAGE GT8

Goods and Services

IC 012. US 019 021 023 031 035 044. G & S: Cars; motor cars; structural replacement parts and fittings for the aforesaid goods, namely, structural replacement parts and fittings for cars and motor cars

Standard Characters Claimed**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

Serial Number

79195760

Filing Date

August 11, 2016

Current Basis

66A

Original Filing Basis

66A

Published for Opposition

April 11, 2017

Registration Number

5230009

International Registration Number

1318123

Registration Date

June 27, 2017

Owner(REGISTRANT) Aston Martin Lagonda Limited LIMITED LIABILITY COMPANY UNITED KINGDOM
Banbury Road, Gaydon Warwick CV35 0DB UNITED KINGDOM**Attorney of Record**

David M. Kelly

Priority Date

April 20, 2016

Type of Mark

TRADEMARK

Register

PRINCIPAL

Live/Dead Indicator

LIVE

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VANTAGE GT12

Word Mark VANTAGE GT12

Goods and Services IC 012. US 019 021 023 031 035 044. G & S: Cars; motor cars; structural replacement parts and fittings for the aforesaid goods, namely, structural replacement parts and fittings for cars and motor cars

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 79195346

Filing Date August 11, 2016

Current Basis 66A

Original Filing Basis 66A

Published for Opposition April 11, 2017

Registration Number 5230005

International Registration Number 1317147

Registration Date June 27, 2017

Owner (REGISTRANT) Aston Martin Lagonda Limited LIMITED LIABILITY COMPANY UNITED KINGDOM
Banbury Road, Gaydon Warwick CV35 0DB UNITED KINGDOM

Attorney of Record David M. Kelly

Priority Date April 20, 2016

Type of Mark TRADEMARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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