

This Opinion is not a  
Precedent of the TTAB

Mailed: February 8, 2018

UNITED STATES PATENT AND TRADEMARK OFFICE

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Trademark Trial and Appeal Board

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*In re KTM-Sportmotorcycle AG*

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Serial Nos. 79147140 and 79147141

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Donald L. Otto of Renner Otto Boisselle & Sklar LLP  
for KTM-Sportmotorcycle AG.

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Ronald R. Sussman, Managing Attorney.


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Before Wellington, Wolfson and Coggins,  
Administrative Trademark Judges.

Opinion by Wolfson, Administrative Trademark Judge:

On December 6, 2017, the Board suspended proceedings to allow Registrant time to file a request under Trademark Act Section 7(e) to restrict a registration. On January 12, 2018, Registrant filed the Section 7(e) request, asking that the identification of goods in Registration No. 4192491 in Classes 7 and 12 be limited to goods designed exclusively for “four-wheeled” vehicles.<sup>1</sup>

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<sup>1</sup> The class 7 goods were amended as follows: “Machine parts for four-wheeled vehicles, namely, cam shafts, cam shaft parts in the nature of cam covers for four-wheeled vehicles and cam shaft modules made therefrom in the nature of cam covers for four-wheeled vehicles, variable camshaft adjustment parts in the nature of cam covers for four-wheeled vehicles, connecting rods for four-wheeled vehicles, in particular from steel or ceramics, one-piece and composite connecting rods, crank shafts for use in connection with four-wheeled motor vehicles, composite and assembled crankshafts for use in connection with four-wheeled motor

On February 5, 2018, the Office entered Registrant's request, after which the Board resumed proceedings. In view of the present limitation to "four-wheeled vehicles" in the identification of goods in the cited registration, the continued limitation to "two-wheeled vehicles" in Applicant's applications, and the terms of Applicant's and Registrant's Consent Agreement, we find that Applicant's marks E SPEED and , for the identified goods in International

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vehicles, pistons for use in connection with four-wheeled motor vehicles, compressors for four-wheeled vehicles, namely, electronic compressors, and components for variable compression, namely, cam shafts, engines not for motor vehicles, and engine parts for four-wheeled vehicles, namely, cam shafts, pumps for four-wheeled vehicles, namely, pumps as parts of machines, and hybrid drives for four-wheeled vehicles, namely, variable speed drives for machines, joints and shock absorbers for four-wheeled vehicles, namely, shock absorbers for machines; transmissions for four-wheeled vehicles, air-conditioning compressors for four-wheeled vehicles."

The class 12 goods were amended as follows: "Automotive parts for four-wheeled vehicles, in particular pumps, namely, air pumps, hybrid drives, namely, engines for four-wheeled land vehicles, engine parts, namely, engine parts for four-wheeled land vehicles, and units for the drive train made therefrom, namely, wheel hubs, wheel bearings, wheel bearing units, namely, wheel bearings, and parts thereof, namely, drive shafts and gear wheels and units assembled thereof, namely, gear wheel units, speed-increasing gears, namely, gear wheels, speed-reducing gears, namely, gear wheels, shifting claws, namely, gear shifts, differential gears, namely, gear wheels, lightweight gears, namely, gear wheels, low-cost gears, namely, gear wheels; connecting rods for four-wheeled land vehicles, except for engine parts, in particular from steel and ceramics, in particular one-piece and composite connecting rods; engines for four-wheeled automobiles, in particular lightweight internal combustion engines; units for drive train of four-wheeled automobiles, namely, wheel hubs, wheel bearings, wheel bearing units, namely, wheel bearings, constant velocity and length adjustment units, namely, wheel bearings; longitudinal shafts for four-wheeled vehicles, namely, drive shafts; side shafts for four-wheeled vehicles, namely, drive shafts; torsion shafts, namely, drive shafts, all for four-wheeled automobiles and parts thereof, included in this class, in particular drive shafts, hubs, namely, wheel hubs, connections for longitudinal shafts, namely, drive shafts for four-wheeled land vehicles, side shafts, namely, drive shafts for four-wheeled land vehicles, and torsion shafts, namely, drive shafts for four-wheeled land vehicles; automobile transmissions and parts thereof for four-wheeled vehicles, in particular shafts, namely, drive shafts for four-wheeled land vehicles and gear wheels and units assembled thereof for four-wheeled vehicles, namely, gear wheels, speed-increasing gears, namely, gear wheels, and speed-reducing gears, namely, gear wheels, synchromesh transmissions, shifting claws, namely, gear wheels, transmissions for electric drives."

**Serial Nos. 79147140 and 79147141**

Classes 6, 7 and 12, are not likely to cause confusion with the mark ESPEED in Registration No. 4192491.

**Decision:** The refusals under Section 2(d) are reversed and application Serial Nos. 79147140 and 79147141 will proceed to registration in due course.