

Federal Court



Cour fédérale

Date: 20140128

Docket: T-2242-12

Citation: 2014 FC 37

Ottawa, Ontario, January 28, 2014

PRESENT: The Honourable Madam Justice McVeigh

BETWEEN:

BRIDGESTONE CORPORATION

Applicant

and

CAMPAGNOLO S.R.L.

Respondent

AMENDED REASONS FOR JUDGMENT AND JUDGMENT

[1] This is an appeal pursuant to section 56 of the *Trade-marks Act*, RSC 1985, c T-13 [the Act] of a decision by a member of the Trade-marks Opposition Board [the Board] dated September 26, 2012. The Board rejected the grounds of opposition advanced by the Applicant [Bridgestone] and allowed the trade-mark of the Respondent [Campagnolo].

I. Background

[2] Bridgestone Corporation is a multinational Japanese manufacturer, primarily known for its automotive products. It does not produce bicycle products for sale in Canada.

[3] Campagnolo is an Italian manufacturer of track and competitive road racing bicycle parts and accessories such as breaks and gears.

[4] Potenza is a city in the Southern Italian region and is the capital of the Province of Potenza and the Basilicata region.

[5] On April 18, 2007, Campagnolo filed a Canadian application (No. 1343755) for the trade-mark POTENZA [the Campagnolo POTENZA trade-mark] based upon its proposed use of the mark in Canada in association with the following wares:

Bicycle parts and accessories, namely, pedals, hubs quick release devices and hubs comprising said devices, rear derailleurs, front derailleurs, crank arms, gear wheels and gear wheels assemblies, crank arms with gear wheels, sprockets, sprocket assemblies, transmission chains, drive or control means for front derailleurs or rear derailleurs (mechanic and electronic), cable guide, knobs and control levers, shafts and bearings for crank arms and for pedals, head sets for steering assemblies and bearings and bushings thereof, cables and casings, fastening clamps, bottom brackets, bottom bracket assemblies, and cycle computers to detect, monitor and display functioning and performance data, but not including tires, brakes, wheels, rims and spokes.

It was advertised for opposition purposes on February 17, 2010.

[6] On April 16, 2010, Bridgestone filed a statement of opposition to Campagnolo's application, pursuant to paragraphs 38(1)(a), 38(1)(b), (38(1)(c), and 38(1)(d) of the Act. Bridgestone relies on two of its trade-marks, POTENZA (TMA 268,271), registered on April 16, 1982, and based on use in Canada since February 12, 1982, in association with tires, tubes and wheels; and POTENZA

RE92 (TMA 380,498), registered on February 22, 1991, and based on use in Canada in association with tires and inner tubes since November 28, 1988 [the Bridgestone POTENZA trade-marks].

[7] The statement of opposition argued that the Campagnolo POTENZA trade-mark would be confusing with the Bridgestone POTENZA trade-marks, and consequently, not registrable pursuant to paragraphs 12(1)(d) and 16(3)(a) of the Act. Bridgestone's statement of opposition also claimed that the application did not conform to section 30 of the Act.

[8] Bridgestone's argument regarding the likelihood of confusion is rooted in the factors described in subsection 6(5) of the Act. Specifically, Bridgestone claims that there is a strong likelihood of confusion, given the resemblance between the trade-marks, the inherent distinctiveness of the Bridgestone POTENZA trade-marks, the length of time the Bridgestone POTENZA trade-marks have been in use and the similar channels of trade in which the trade-marked wares could be sold.

[9] Campagnolo on July 16, 2010, filed a Counterstatement in support of their application to register the trade mark and in response to the Statement of Opposition dated April 16, 2010.

[10] Bridgestone filed two affidavits, one from the secretary of the law firm (Carla Edwards) and the other from the Director of Intellectual Property for Bridgestone (Eiji Mineki), as well as certified copies of the Bridgestone POTENZA trade-marks.

[11] Carla Edwards' affidavit attached as Exhibits A-C are internet search results from a search of the Canadian Tire website based on the terms "car tires", "bicycle tires" and "bicycle accessories". The affidavit attached as Exhibits D and E the search results from a search of the Costco Canada website, using the search terms "bicycle accessories" and "automobile tires". Bridgestone submitted this as evidence that Canadian Tire and Costco sell both car tires, bicycle tires and bicycle accessories. The decision maker gave this evidence little weight as it was sworn by a secretary of Bridgestone's solicitors and "goes directly to the question of the likelihood of confusion between the parties' marks, and specifically the channels of trade" in addition to being of limited evidentiary value.

[12] Eiji Mineki who is located in Tokyo in his affidavit states that various editions of POTENZA automotive tires have been sold in Canada since February, 1982. In the years 2000 to 2010, Bridgestone has sold in Canada 4,345,361.00 POTENZA marked tires. Over three million (3,112,295) POTENZA RE92 marked tires have sold in Canada in the years 1997 to 2010. Bridgestone has spent more than \$64,000 in advertising products (magazines) bearing the POTENZA and POTENZA RE92 marks since 1982.

[13] Campagnolo filed a Counterstatement on July 19, 2010, which includes affidavits by the President of the Great Western Bicycle Company, Paul Haym, and by the Vice-President of Cycles Marinoni Inc., Paola Marinoni.

[14] Great Western Bicycle Company is located in Vancouver and is a distributor of European and North American bikes, bike parts, accessories, clothing and lubricants. This company is a

distributor in Canada for Campagnolo's high-end components for racing bikes since 1995. Included in the affidavit are printouts of other specialty bicycle shops and high-end sporting goods stores they distribute such products to.

[15] Cycles Marinoni Inc is a 30 year old Quebec company that is manufacturer, distributor and retail store of racing bikes and related components. The affiant has extensive knowledge of Campagnolo's products and where they are sold in Canada and the bike industry in general. The high-end components for racing bikes are sold exclusively in Canada to specialty bicycle shops and high-end sporting goods stores and none of them are sold in the same stores as motor vehicle parts.

[16] The Marinoni and Haym affidavit evidence is that the Campagnolo products are only sold in high-end bicycle retailers and sporting stores and not in stores that sell motor vehicle parts.

[17] The affiants were not cross examined and no oral hearing was held by the Board.

[18] For the following reasons, I find this appeal must be dismissed.

II. Issues

[19] The issues raised in this appeal are as follows:

- A. Does the new evidence submitted warrant the standard of review of correctness?
- B. Was the Registrar's conclusion there was no reasonable likelihood of confusion reasonable?

III. Standard of Review

[20] The standard of review for appeals pursuant to section 56 of the Act is reasonableness, unless after an examination of its significance and probative value, new evidence filed would have materially affected the board's decision, in which case the appropriate standard of review is correctness (*Molson Breweries v John Labatt Ltd*, [2000] FCJ No 159, at para 51; *Bojangles' International, LLC v Bojangles Café Ltd*, 2006 FC 657, at para 10).

IV. Analysis

C. Does the New Evidence Submitted Warrant the Standard of Review of Correctness?

[21] In support of this appeal, Bridgestone submitted certified copies of other trade-marks and filed four new affidavits. The affiants are Cindy Shattler, Robert Gilpin, Shantelle Garrick, and Kazuto Maehara. Bridgestone claims that this evidence would have materially affected the Board's decision.

[22] Cindy Shattler's affidavit presents evidence via internet searches and a record of telephone calls to bicycle retailers to show that bicycle accessories and components are sold by the same company in the same channels of trade.

[23] Campagnolo submitted that this affidavit is inadmissible hearsay and does little more than assert that bicycle accessories and components can be sold by the same company. Bridgestone argues that it is not opinion evidence and does not address any controversial issues.

[24] I take issue with Bridgestone arguing on one hand that this affidavit is material evidence for the purpose of the standard of review, while suggesting on the other that the evidence is not controversial or material that goes to the heart of the matter for purposes of its admissibility. Bridgestone cannot have it both ways. Further, Bridgestone was unable to explain when asked why this evidence was not provided to the Board.

[25] These inconsistencies notwithstanding, this affidavit does not help resolve the question of whether automotive products from Bridgestone making use of the Bridgestone POTENZA trademarks and bicycle products from Campagnolo are sold in the same channels of trade, so I find this affidavit would not affect the Board's decision in a material way.

[26] Robert Gilpin's affidavit aims to show that some retail chains sell both bicycle parts, accessories and automobile products. The affiant attended Canadian Tire and Walmart to examine their product lines. Campagnolo submits that, like the Shattler affidavit, this evidence provides little that would materially affect the Board's decision with regards to channels of trade, as it only shows large retail chains sell both automobile and bicycle components.

[27] I agree with Campagnolo. The evidence of Paul Haym, and Paola Marinoni that was before the Board establishes that the Respondent sells high-end bicycle components in association with the Campagnolo POTENZA trade-mark, but only in specialty high-end bicycle and sporting goods stores. The Gilpin affidavit does not contradict that evidence and so would not have materially affected the Registrar's decision.

[28] Shantelle Garrick's affidavit includes information she obtained from the Michelin website which shows that Michelin specifically sells tires for bicycles and automobiles and for the general proposition that tire companies can sell both. Campagnolo argues that this information may be inadmissible. They submit it is inadmissible as her employer is unknown and the information was obtained from a telephone call to Michelin's customer service centre and a single website in respect of which there is no evidence that Canadians have viewed. Campagnolo further submits that even if the affidavit is admissible, it fails to show whether it is common in the trade for companies to sell both automobile and bicycle tires; whether these products are sold through the same channels of trade; or how it relates to Campagnolo's proposed use of its Campagnolo POTENZA trade-mark and Bridgestone's use of the Bridgestone POTENZA trade-marks for automotive products. I agree that this affidavit is merely repetitive of similar evidence that was already before the Board and therefore would not have materially affected the decision (*Vivat Holdings Limited v Levi Strauss & Co* (2005), 41 CPR (4th) 8 (FCTD), at para 27).

[29] The Board found at paragraph 30 of the decision that even if there is evidence that retailers commonly sell both car tires and bicycle accessories, "the probable type of trade intended by the Applicant would be specialty bike shops and high end sporting good stores which would not likely to sell tires and accessories for motor vehicles."

[30] Kazuto Maehara's affidavit gives evidence that Bridgestone sells motorcycle tires and tubes in Canada under the trade-marks of BATTLEAX, EXEDRA and SPITFIRE. The evidence is that Bridgestone's Japanese subsidiary sells bicycle tire components and accessories in Japan under the trade-mark of ANCHOR. Bridgestone's position is that they are not restricted to selling car tires in

association with the Bridgestone POTENZA trade-marks as registered and are not restricted to the wares they currently sell in Canada.

[31] Campagnolo argues that this evidence is repetitive of evidence filed in the Opposition application contained in the affidavit of Eiji Mineki. They submit that the evidence does not suggest that bicycle tires or accessories are sold by Bridgestone in Canada under the Bridgestone POTENZA trade-mark in Canada.

[32] I find the affidavit of Kazuto Maehara adds nothing of significant probative value such that it would materially affect the Board's decision that in Canada, the parties sell distinctive wares, in different channels of trade, with no overlap.

[33] Bridgestone's other new evidence was nine certified trade-mark registrations (including the Bridgestone POTENZA trade-marks already before the Board) and one application. This evidence was filed to show that it is common for manufacturers to use the same trade-marks for automobile tires and bicycle products. Of the seven newly-filed trade-mark registrations, only two expressly cover tires for both automobiles and bicycles. Bridgestone suggests to the court that if a consumer at Canadian Tire saw a tire bearing a POTENZA trade-mark in the same store as bike parts bearing a POTENZA trade-mark, they would likely be confused.

[34] However, I find that the small number of registrations filed is insufficient to establish that such a practice is common and does not materially add to what was already before the Board (the Bridgestone POTENZA trade-marks) (*Kellogg Salada Canada Inc v Maximum Nutrition Ltd*

(1992), 43 CPR (3d) 349 (FCA)) . Nor do I agree that the additional registrations filed establish that the traders are known to have used the same trade-mark for automobiles, or bicycles as it was too small of a representation.

[35] I find that none of Bridgestone's new evidence makes a substantial difference to its case and is merely supplementing the evidence that was before the Board. Accordingly, for the reasons above I find that none of these affidavits materially affect the Board's decision, nor do they materially change the evidence before the Board which established that in Canada, the parties sell distinctive wares in different trade channels with no overlap.

[36] The standard of review is therefore reasonableness.

B. *Was the Registrar's Conclusion there was No Reasonable Likelihood of Confusion Reasonable?*

[37] The onus of establishing on a balance of probabilities that the application meets the requirements of the act is initially on Campagnolo, then the evidentiary burden switches to Bridgestone to "...lead evidence in support of the allegations of non-compliance pleaded by him. The evidential burden is the burden of adducing sufficient evidence to persuade the trier of fact that the alleged facts are true..." (*John Labatt Ltd v Molson Co*, [1990] FCJ No 533 (FCTD), at page 4; *Christian Dior, SA v Dion Neckwear Ltd*, 2002 FCA 29).

[38] The Board found that Bridgestone satisfied the initial burden, as the registrations were in good standing.

Test for confusion

[39] A trade-mark is registrable if it is not confusing with a registered trade-mark (s. 12 of the Act).

[40] A consumer is “casual consumer somewhat in a hurry” (*Mattel Inc v 3894207 Canada Inc*, 2006 SCC 22, at para 58; *Veuve Clicquot Ponsardin v Boutique Clicquot Ltée*, 2006 SCC 23, at para 20).

[41] The Registrar is to consider all the circumstances including the enumerated factors in subsection 6(5). The factors do not need to be given equal weight and they are not exhaustive. The factors are as follows:

What to be considered

(5) In determining whether trade-marks or trade-names are confusing, the court or the Registrar, as the case may be, shall have regard to all the surrounding circumstances including

- (a) the inherent distinctiveness of the trade-marks or trade-names and the extent to which they have become known;
- (b) the length of time the trade-marks or trade-names have been in use;
- (c) the nature of the wares, services or business;

Éléments d’appréciation

(5) En décidant si des marques de commerce ou des noms commerciaux créent de la confusion, le tribunal ou le registraire, selon le cas, tient compte de toutes les circonstances de l’espèce, y compris :

- a) le caractère distinctif inhérent des marques de commerce ou noms commerciaux, et la mesure dans laquelle ils sont devenus connus;
- b) la période pendant laquelle les marques de commerce ou noms commerciaux ont été en usage;
- c) le genre de marchandises, services ou entreprises;

- | | |
|--|---|
| (d) the nature of the trade; and | d) la nature du commerce; |
| (e) the degree of resemblance between the trade-marks or trade-names in appearance or sound or in the ideas suggested by them. | e) le degré de ressemblance entre les marques de commerce ou les noms commerciaux dans la présentation ou le son, ou dans les idées qu'ils suggèrent. |

[42] Bridgestone submits that it would be “difficult to imagine” wares more similar than the wares sold by Bridgestone and the wares in Campagnolo's POTENZA trade-mark application. Bridgestone argues that the first impression of a consumer would be confusion and that Campagnolo has not filed any evidence to show otherwise. Bridgestone's main opposition was based on section 12(1)(d) of the Act - that there would be a likelihood of confusion between Campagnolo's POTENZA trade-mark and Bridgestone's POTENZA trade-marks.

[43] The Board found in favour of Bridgestone with regard to the factors described in paragraphs 6(5)(a), (b) and (e) of the Act, but noted that these factors were not determinative. These factors are not disputed in this application.

[44] The Board found that the trade-marks are identical in sound and appearance, and given this high degree of resemblance, paragraph 6(5)(e) of the Act weighs in favour of Bridgestone's position. Likewise, the Board found in favour of Bridgestone with regard to paragraph 6(5)(a), which is the inherent distinctiveness of the trade-marks or trade-names and the extent to which they have become known. The Board found that Bridgestone had registered based on use the trade-mark POTENZA in Canada since February 12, 1982 and POTENZA RE92 since November 28, 1988. The Board also acknowledged that Bridgestone had spent more than \$64,000 on advertising products and that they have sold more than 5 million POTENZA tires and more than 3 million

POTENZA RE92 brand tires in Canada since 1997. In contrast, the Board found that there was no evidence that the Campagnolo POTENZA trade-mark had been used or was known in Canada. For those reasons the Board held in favour of Bridgestone on paragraph 6(5)(b) of the Act: the length of time the trade-marks or trade-names have been in use.

[45] The Board was clearly aware of the factors that favoured Bridgestone and took them into consideration. On the standard of reasonableness, it is not up to this Court to re-weigh the evidence or substitute its views for that of the Board.

Paragraphs 6(5)(c) and (d): nature of the wares and nature of the trade

[46] The crux of this appeal is the Board's confusion analysis with respect to the factors found at paragraphs 6(5)(c) and 6(5)(d) of the Act. These factors led to the Board's rejection of Bridgestone's opposition.

[47] Bridgestone argues the Board's confusion analysis in paragraphs 6(5)(c) and (d) make this decision reviewable for the following reasons.

[48] First, because the similarity of the wares would favour a finding for Bridgestone.

[49] Second, Bridgestone submits confusion is likely because its wares could be sold through the same channels of trade as Campagnolo's. Its position is that because the Campagnolo application did not include limitations as to intended channels of trade, confusion would result. Thus, Bridgestone submits that while Campagnolo currently only sells their wares at specialty high-end

stores, there is nothing to stop Campagnolo from selling in the same stores that currently sell Bridgestone tires in the future.

Nature of the Wares

[50] Bridgestone used the Campagnolo 2009 Range Catalogue [2009 catalogue] and Index to show that Campagnolo does sell wheel technology and braking systems using the SKELETON trade-mark. Further, Bridgestone submits that it does not matter that tires, brakes, wheels, rims and spokes are excluded from Campagnolo's trade-mark, as an ordinary consumer will not see the difference and Campagnolo has the burden to show there would not likely be confusion, and they have not done so.

[51] Only portions of the 2009 catalogue were filed and what was filed is not sufficient evidence to support Bridgestone's argument.

[52] Campagnolo suggests that the descriptions of the trade-marks is sufficient to find the trade-marks would not be confusing as the Bridgestone trade-marks cover tires, inner tubes, wheels and Campagnolo trade-mark explicitly excludes tires, brakes, wheels, rims and spokes. Further, Campagnolo argues that Bridgestone does not sell or distribute racing bicycles or components in Canada or anywhere else in association with Bridgestone POTENZA trade-marks.

Channels of Trade

[53] Bridgestone says their registrations show they can sell bike tires and wheels in the same channel of trade, and that Campagnolo has provided no evidence to the contrary. The burden is on

Campagnolo and Bridgestone submits that it has not been met. Bridgestone argues that the only evidence Campagnolo has provided pertains to current distribution practices, and not their future plans. Bridgestone submits that just because Campagnolo currently sells high-end bicycle components in specialty stores does not mean they will not market a cheaper line in big box stores in the future, as there is no channel of trade restriction in Campagnolo's registration. Bridgestone argues that the Registrar erred by only examining the present channels of trade and it should have looked at what channels may be used in the future.

[54] Bridgestone relies on the case of *Mr. Submarine Ltd v Amandista Investments Ltd (1987)*, 19 CPR (3d) 3 (FCA) [*Mr. Submarine*], for the proposition that confusion must be examined prospectively. *Mr. Submarine* was an infringement case dealing with the trade-mark used by a Mr. Subs'n Pizza and Mr. 29 Min Dubs'n Pizza operating in Dartmouth, Nova Scotia since 1975, which concentrated on a telephone ordering system with pizza being 75 % of the business' sales. *Mr. Submarine* did have one franchise in the Halifax area. The passage referred to at the hearing is found at page 8 of the decision. I do not think that the passage was meant to extrapolate that in Opposition proceedings the Board must examine all wares and conceivable places where such wares could be sold in order to determine confusion. *Mr. Submarine* was an infringement case and this passage was confirming that Mr. Submarine was not confined to only the parts of Canada where it had franchises and only to sell sandwiches the way they currently sold them.

[55] Further clarification was given recently by the Federal Court of Appeal in *Movenpick Holdings AG v Exxon Mobil Corp*, 2013 FCA 6, at para 6, where the Court cited with approval the Registrar's comments: "The parties' respective statements of services must be read with a view to

determining the probable type of business or trade intended by the parties rather than all possible trades that might be encompassed by the wording (see *McDonald's Corp v. Coffee Hut Stores Ltd.* (1994), 55 C.P.R. (3d) 463 (FCTD)).

[56] I find that the Registrar followed the instructions of the Court of Appeal by considering all of the predictable and usual channels of trade in which products would be sold in rather than all hypothetical channels.

[57] The Registrar held at paragraphs 28-30:

28-In the present case, the Applicant's wares comprise parts and accessories for bicycles and the Opponent's wares comprise tires, tubes, inner tubes and wheels for automobiles. In my view, the Applicant's bicycle parts and accessories are fundamentally different from the Opponent's tires, tubes, inner tubes and wheels. I also consider it important to note that the applied for wares specifically exclude tires, brakes, wheels, rims and spokes."

29- With respect to the parties' channels of trade, the Applicant has filed as its evidence the affidavits of Paul Haym and Paolo Marinoni, officers of two Canadian bicycle retailers, one from Vancouver and one from Quebec. Both affiants state that their stores have acted as distributors in Canada for the Applicant for many years, and the Applicant's products, including high end components for racing bikes such as derailleurs, cranksets, sprockets and braking systems, are distributed and sold in Canada to specialty bike shops and high-end sporting goods stores.

30- The Opponent argues that its evidence shows that Canadian Tire and Costco sell both car tires, bicycle tires and bicycle accessories. As noted above, however, I have given little weight to this evidence. Even if I could give full consideration to this evidence, the Applicant's evidence shows that the probable type of trade intended by the Applicant would be specialty bike shops and high-end sporting goods stores which would not likely sell tires and accessories for motor vehicles.

[58] Further I find that the level of sophistication of the Campagnolo purchasers of these racing bicycle components are likely to know the difference between a Campagnolo and Bridgestone bicycle tire if Bridgestone were to eventually sell bicycle tires in Canada. The decision maker had

evidence in the affidavit material of Paul Haym and Paolo Marinoni that confirmed that no one had contacted their businesses for products manufactured by Bridgestone.

[59] For these reasons I find that Bridgestone's argument found at paragraph 55 of this decision must fail.

[60] The applicable standard of reasonableness in this context was examined by Justice Yves de Montigny in *Hawke & Company Outfitters LLC v Retail Royalty Co*, 2012 FC 1539, at para 47:

...When the standard applies, as recalled by the Supreme Court in *Mattel Inc. v. 3894207 Canada Inc.* 2006 SCC 22, [2006] 1 SCR 772 [Mattel], the question is whether the Board's decision can withstand "a somewhat probing" examination and is not "clearly wrong" (at par 40). Considering the expertise possessed by members of the Board, who determine whether applied-for trade-marks are confusing or not on a daily basis, their decisions ought not to be set aside lightly. The Court's role when reviewing a decision under the reasonableness standard has been described as follows in *Dunsmuir v. New Brunswick*, 2008 SCC 9, [2008] 1 SCR 190 at para 47:

A court conducting a review for reasonableness inquires into the qualities that make a decision reasonable, referring both to the process of articulating the reasons and to outcomes. In judicial review, reasonableness is concerned mostly with the existence of justification, transparency and intelligibility within the decision-making process. But it is also concerned with whether the decision falls within a range of possible, acceptable outcomes which are defensible in respect of the facts and law

[61] After careful review I find that the Board's decision was detailed and reasonable. The Board found the nature of the respective wares were fundamentally distinct. Moreover, the Board found the channels of trade would not likely overlap, as the evidence of the specialized nature of Campagnolo's POTENZA products, even if sold by the same retailer, would not be sold in the same department. Consequently, the Board found the likelihood of confusion was very low or nonexistent.

Other Grounds of Opposition

[62] Bridgestone argued that the differences in material dates turn on the likelihood of confusion between the Campagnolo POTENZA trade-mark and the Bridgestone POTENZA trade-marks.

[63] The Board found that “the differences in the material dates do not have any significant impact on the determination of the issue of confusion between the trade-marks of the parties.” At the hearing Bridgestone argued that the relevant date is the date of this decision but had no jurisprudence to support this assertion. I find the decision maker’s decision regarding material dates was supportable and reasonable.

[64] Another ground of opposition dismissed by the Board related to a claim by Bridgestone that Campagnolo had not met its obligations under section 30(i) of the Act. The Board dismissed it on the basis that such a claim will only succeed in the case of a complete section 30(i) statement where there is evidence of bad faith on the part of a trade-mark applicant. The Board found no such bad faith. The Board’s dismissal of this argument was reasonable as there was no evidence of bad faith on the part of Campagnolo.

[65] In conclusion, I am not persuaded that the Board erred. The Board’s reasoning was justifiable, transparent and intelligible and its decision clearly falls within a range of possible and acceptable outcomes. The appeal is dismissed.

[66] The Parties by agreement filed what the amount of costs should be if awarded.

JUDGMENT

THIS COURT'S JUDGMENT is that:

1. Appeal dismissed;
2. Costs awarded to the Respondent Campagnolo S.R.L. in the amount as agreed on by the parties, in the amount of \$7,000.00 including disbursements payable forthwith.

"Glennys L. McVeigh"

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: T-2242-12

STYLE OF CAUSE: Bridgestone Corporation v. Campagnolo S.R.L.

PLACE OF HEARING: Toronto, Ontario

DATE OF HEARING: July 24, 2013

**REASONS FOR JUDGMENT
AND JUDGMENT BY:** Justice McVeigh

DATED: January 28, 2014

APPEARANCES:

Mr. Michael Adams FOR THE APPLICANT

Mr. Dan Cameron FOR THE RESPONDENT

Ms. Megan Langley Grainger

SOLICITORS OF RECORD:

RICHES, McKENZIE & HERBERT LLP FOR THE APPLICANT
Toronto, Ontario

BERESKIN & PARR LLP FOR THE RESPONDENT
Barristers & Solicitors
Toronto, Ontario