

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

FAUX EFFECTS INTERNATIONAL, INC.

Opposer,

Serial No.: 76/405,281
Trademark: AQUA FAUX
International Class: 002

vs.

T.J. RONAN PAINT,

Applicant.

09-11-2003

U.S. Patent & TMOtc/TM Mail Rcpt Dt. #22

NOTICE OF OPPOSITION

Opposer, Faux Effects International, Inc ("Faux Effects"), a Florida corporation with a business address of 3435 Aviation Blvd, Suite A-4, Vero Beach, Florida 32960, hereby opposes registration of the trademark AQUA FAUX that is the subject of application Serial No. 76/405,281, published in the Official Gazette on July 15, 2003 and states that Faux Effects will be damaged by registration of said application and opposes registration thereof. As grounds in support of its opposition, Faux Effects asserts as follows:

1. Faux Effects is a renowned provider of decorative paint products in the field of faux finishing. Specifically, Faux Effects provides paints and coatings to create decorative and faux finishes for walls, furniture and other surfaces. Faux Effects' products are used both by professional painters and "do-it-yourself" painters. Faux Effects has educated thousands of faux finishing professionals.

2. Faux Effects, for many years and prior to any date of first use upon which Applicant can rely, has adopted and continuously used the term AQUA in conjunction

with at least twenty-four (24) trademarks (“AQUA Family of Marks,” as defined in more detail below) and has used the trademark FAUX EFFECTS® for its decorative finishing products. Faux Effects has used many of its AQUA trademarks since at least as early as 1993. Faux Effects has used its FAUX EFFECTS® trademark at least as early as June 26, 1991.

3. Faux Effects is the owner of numerous U.S. trademark registrations and applications. The registrations are valid, subsisting, unrevoked, and uncancelled. The following are certain of Faux Effects’ registrations and applications relevant to this opposition proceeding:

<u>Trademark</u>	<u>Reg. /Serial No</u>	<u>Goods/Services</u>
1. FAUX EFFECTS®	2,330,478	Liquid chemical compositions used in the production of faux finishes on solid substrates.
2. AQUAGLAZE®	2,758,754	Decorative compositions and finishes, namely interior and exterior faux glazes and paints.
3. AQUACRACKLE	76/469,936	Decorative compositions and finishes, namely interior and exterior faux glazes and paints.
4. FAUX EFFECTS	76/469,939	Educational and instructional services in the field of decoration and applying decorative finishes.
5. AQUA FINISHING SOLUTIONS	76/469,940	Decorative compositions and finishes.
6. AQUA FINISHING SOLUTIONS	76/469,938	Educational and instructional services in the nature of courses and workshops in the

surface coating; metallic coatings in the nature of sign finishes, automobile and decorative finishes; pearlescent coatings in the nature of sign finishes, automobile and decorative finishes; tints and clear coatings in the nature of sign finishes and/or automobile finishings; marbled coatings, glazes and clears for decorative and faux finishes; coatings used by furniture and cabinet refinishers to create artistic effects and a variety of decorative applications; paints and coatings used by specialty painters and scenic artist for aging effects, faux finishes, marbling and glazing; coatings used to make tints, stains or glazes for wet-in-wet techniques to create artistic effects including but not limited to dirt, age, smoke damage and simulated marble and wood grain; paint solvents and additives. The application was assigned Serial No. 76/405,281.

6. The trademark application of AQUA FAUX is identical to and confusingly similar to Faux Effects' AQUA Family of Trademarks and its FAUX EFFECTS[®] trademark in appearance and connotation.

7. The goods that Applicant intends to use the trademark AQUA FAUX are identical and closely related to the goods on which Faux Effects uses its marks in commerce in the United States.

8. Faux Effects will be damaged by registration of application Serial No. 76/405,281 for the trademark AQUA FAUX.

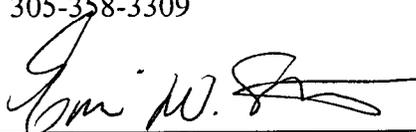
9. Applicant's trademark so resembles Faux Effects' previously adopted, used and registered AQUA Family of Trademarks and FAUX EFFECTS[®] trademark as to be likely, when applied to the goods set forth in Applicant's application, to cause confusion, mistake, or deception within the meaning of Section 2(d) of the Lanham Act, 15 U.S.C. section 1052(d).

WHEREFORE, Faux Effects respectfully requests that this opposition be sustained and that application Serial No 76/405,281 be refused registration.

Respectfully submitted,

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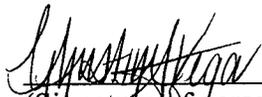
CERTIFICATE OF MAILING UNDER 37 C.F.R. 1.8

Date of Deposit: September 11, 2003

I HEREBY CERTIFY that the document named below is being deposited with the United States Postal Service, with sufficient pre-paid postage, in an envelope addressed to: Assistant Commissioner for Trademarks, Trademark Trial and Appeal Board, 2900 Crystal Drive, Arlington, VA 22202-3514.

Name of Document: **Notice of Opposition**

Christine A. Vega
(Type or print name of person mailing
paper)


(Signature of person mailing paper)

TTAB

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

In re: T.J. Ronan Paint Corp.

Application Serial No.: 76/405,281

Mark: AQUA FAUX

Filing Date: May 9, 2002

Publication Date: July 15, 2003

09-11-2003
U.S. Patent & TMO/TM Mail Rcpt Dt. #22

TRANSMITTAL SHEET

Commissioner for Trademarks
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513

Enclosed herewith is a **Notice of Opposition** and a check in the amount of \$300.00, payable to the Commissioner for Trademarks, along with a return receipt card, which I request you stamp and returned to the undersigned.

Respectfully submitted,

E-loan, Inc.

By: 

Erica W. Stump
Attorney for Applicant

Dated: September 11, 2003

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