

**UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513**

Mailed: December 24, 2003

Applicant: Chemguard, Inc.
Serial No.: 78212586
Filed: 02/08/2003
Mark: ECOGUARD

GERALD M. BLUHM
TYCO FIRE AND SECURITY
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Michelle Greenfield, Legal Assistant:

On November 6, 2003, Ansul, Inc., potential opposer herein, filed a notice of opposition, accompanied by a certificate fax transmission dated November 6, 2003, to registration in the above-identified application.

The record in the application file reveals that the mark was published for opposition purposes on October 7, 2003.

Inasmuch as the deposit date on the certificate of facsimile is defective, it cannot be accepted under Trademark Rule 2.197.

The matter will be referred to the Finance Branch of the Office for consideration of a refund of the opposition fee. The opposition papers are being returned.