

TTAB

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

In re: Trademark Serial No. 76/407,781
Registrant: Quendian International, Inc.
Mark: QUENDIAN

CENDIAN CORPORATION)
Opposer,)
vs.)
QUENDIAN INTERNATIONAL, INC.)
Applicant.)

Opposition No. _____

Notice of Opposition

02-04-2003

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

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

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NOTICE OF OPPOSITION

Opposer, Cendian Corporation ("Cendian"), a Delaware corporation having a principal place of business located at Six Concourse Parkway, Suite 2800, Atlanta, Georgia 30328, hereby opposes registration of Application No. 76/407,781 for the mark QUENDIAN owned by Applicant Quendian International, Inc. ("Quendian") on the grounds that QUENDIAN is likely to be confused with Opposer's registered and pending marks. The specific grounds for this Opposition are as follows:

1.

Cendian owns the federally registered mark "CENDIAN", U.S. Registration No. 2,644,660. Cendian filed an intent-to-use trademark application for its mark "CENDIAN" on August 14, 2001. Cendian first used the mark on December 17, 2001. The mark registered on October 29, 2002.

2.

Cendian also has filed trademark applications for the marks "CENDIAN & Design," Serial No. 78/093,275, and "CENDIAN CHEMICAL LOGISTICS," Serial No. 78/093,263.

3.

All of Cendian's marks are in Classes 35 and 39 for logistics management in the field of transportation of plastics and chemicals and the transportation of plastics and chemicals via motor carrier, air, rail, boat, and ocean-going vessels. Cendian provides logistics services, managing chemical and plastic shipments to its clients' global supply chains.

4.

Quendian is a Florida corporation with a principal place of business at 650 West Avenue, #1612, Miami Beach, Florida 33139. Quendian filed a trademark application for the QUENDIAN mark on May 14, 2002 for business management and consultation services in International Class 35 stating Quendian first used the QUENDIAN mark in commerce on October 10, 2001.

5.

Quendian is currently using the QUENDIAN mark in connection with business management and consultation services in the field of logistics, including global supply chain management.

6.

In view of the similarity of Opposer's marks and Applicant's mark and the related nature of the businesses and services of the respective parties, Applicant's mark so

resembles Opposer's registered mark and applications, which are not abandoned, as to be likely to cause confusion, to cause mistake or to deceive. Similarly, Applicant's mark falsely suggests a connection with Opposer.

7.

Opposer's CENDIAN mark has priority over Applicant's QUENDIAN mark, as Opposer filed its intent-to-use application for CENDIAN before Applicant used the QUENDIAN mark, and Opposer's CENDIAN mark has registered. TMEP 201.02; 15 U.S.C. §1057(c).

WHEREFORE, Opposer prays that application Serial No. 76/407,781 be rejected, that no registration be issued thereon to Applicant, and that this Opposition be sustained in favor of Opposer.

A check in the amount of \$300.00 is attached as the filing fee. Please charge any underpayment in the fee to Deposit Account No. 501429.

This 4 day of February, 2003.

Respectfully submitted,



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February 4, 2003

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02-04-2003

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

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Arlington, Virginia 22202-3513

Re: Notice of Opposition
Cendian Corporation v. Quendian International, Inc.
Our Reference: 144598.00000

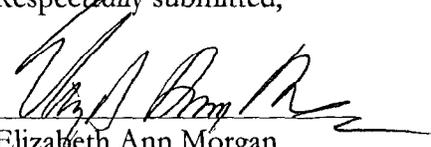
Dear Sir/Madam:

Enclosed for filing are the following:

1. A Notice of Opposition, in duplicate;
2. One (1) check in the amount of \$300.00; and
3. One (1) postcard acknowledging receipt of the above.

The Commissioner is hereby authorized to charge any underpayments or credit any overpayments to Deposit Account No. 501429 referencing our Docket No. 144598.00000.

Respectfully submitted,


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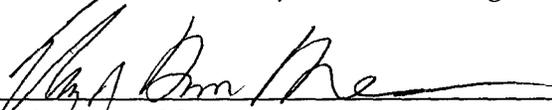
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MURPHY LLP

CERTIFICATE OF EXPRESS MAILING

Express Mail Label Number: EL947457481US

Date of Express Mailing: February 4, 2003

I hereby certify that the foregoing Notice of Opposition is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" pursuant to 37 C.F.R. §1.10 on and under the Express Mail label specified above and is addressed to BOX TTAB FEE, Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3513.



Elizabeth Ann Morgan
Attorney for Applicant

Feb 4 2003
Date