

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

In re Application No. 78/185,580 for the mark *MARQUAT* filed in International Class No. 001 and published June 17, 2003

AKZO NOBEL CHEMICALS B.V. §

Opposer § Opposition No.:

v. §

MARCHEM TECHNOLOGIES, LLC §

BOX: TTAB -- FEE
Commissioner of Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513

09-15-2003

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

NOTICE OF OPPOSITION

Sir:

In the matter of Application Serial No. 78/185,580 to register the mark *MARQUAT*, in International Class No. 001 for chemicals, namely, quaternary ammonium compounds used as surfactants in personal care products and as corrosion inhibitors in petroleum production and manufacturing, filed by Marchem Technologies, LLC on November 15, 2002, which was published in the Official Gazette at Page TM 146 on June 17, 2003, Opposer timely requested an extension of time until September 15, 2003 to file this Opposition.

The Opposer, Akzo Nobel Chemicals B.V., a Corporation existing under the laws of the Netherlands, having a principal place of business at Stationsplein 4, Amersfoort, Netherlands, believes that it will be damaged by the registration of the mark shown in the above-identified application, and hereby opposes the same.

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to the Commissioner for Trademarks, BOX TTAB-FEE, 2900 Crystal Drive, Arlington, VA 22202-3513 on:

September 12, 2003


Diane L. Moxley

The grounds for opposition are:

1. The Opposer has since at least as early as 1946 used the mark ARQUAD for quaternary ammonium compounds.
2. The Opposer owns two registrations to the mark ARQUAD, Registration Nos. 808,313, registered May 17, 1966 and 429,348, registered April 29, 1947, for quaternary ammonium compounds and quaternary ammonium compounds derived from high molecular weight carboxylic acids, respectively, in Intl. Class 001. Said registrations are valid and are presently in full force and effect.
3. The Opposer's registrations were applied for and registered prior to the Applicant's filing date.
4. The Opposer has sold its goods listed in the aforesaid registrations as hereinbefore referred to in commerce which the U.S. Congress may regulate. Opposer has expended considerable time and resources in developing considerable goodwill in the marks covered by the aforesaid registrations.
5. Applicant's and the Opposer's goods are believed to flow through and/or will flow through the same or similar channels of trade.
6. Applicant's trademark *MARQUAT* is so similar phonetically and in appearance, sound, and overall commercial impression to the Opposer's trademark ARQUAD and the goods are so similar in that they will be used in the same personal care industry, that concurrent use of the Opposer's mark and the Applicant's is likely to cause confusion, mistake or deception as to the source or origin of the Applicant's products, and would likely cause them to be associated with the Opposer.

Wherefore, The Opposer respectfully requests that the registration of the mark *MARQUAT* displayed in U.S. Ser. No. 78/185,580 be refused, and that this Notice of Opposition be sustained in favor of the Opposer.

Please direct all correspondence to the Opposer's undersigned attorney,
Ralph J. Mancini, Akzo Nobel Inc., Intellectual Property Department, 7
Livingstone Avenue, Dobbs Ferry, NY 10522-3408, telephone no. (914) 674-
5465.

Respectfully submitted,



Ralph J. Mancini
Attorney for Opposer

AKZO NOBEL CHEMICALS BV

By

Akzo Nobel Inc.
Intellectual Property Department
7 Livingstone Avenue
Dobbs Ferry, New York 10522-3408
(914) 674-5465

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing NOTICE OF OPPOSITION relating to U.S. Serial No. 78/185,580 (*MARQUAT*) was mailed, by first class mail, postage prepaid, this 12th day of September, 2003, upon Applicant's attorney, Mr. Douglas H. Pauley, Pauley, Persen, Kinne & Erickson, 2800 West Higgins Road, Suite 365, Hoffman Estates, Illinois 60195.

Date: September 12, 2003



Ralph J. Mancini
Attorney for Opposer

Akzo Nobel Inc.
Intellectual Property Department
7 Livingstone Avenue
Dobbs Ferry, New York 10522-3408
(914) 674-5465

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TRANSMITTAL

Sir:

Attached is a Notice of Opposition (in triplicate) and a Certificate of Service in regard to the above-identified matter.

Opposer hereby requests that the \$300.00 opposition fee and any other fees which may be due be charged to Opposer's deposit account in the name of Akzo Nobel Inc., deposit account number 01-1350. A duplicate copy of this paper is enclosed.

Respectfully submitted,



Ralph J. Mancini
Attorney for Opposer

Akzo Nobel Inc.
7 Livingstone Avenue
Dobbs Ferry, New York 10522-3408
(914) 674-5465

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Diane L. Moxley