

(U.S. Applications Serial #s in connection with the advertising and offering for sale and sale of living plants, plants, seeds, and numerous other products including but not limited to insecticides, fungicides, and herbicides, all in interstate and international commerce.

4. Upon the introduction of the aforesaid products of Opposer introduced into the market and continuously used thereafter, they became and now are widely known and recognized by their trademark and associated with Opposer and its said products as a means by which they have become known to the public and their origin identified.

5. The trademark Applicant seeks to register so obviously resembles Opposer's marks that, when applied to the goods of Applicant, confusion or mistake by and deception of consumers will clearly result, caused by the creation of the erroneous impression that Applicant's goods originate with or come from the same source as Opposer's goods, or are endorsed by, or are sponsored by, or are connected in some way with Opposer.

6. Applicant's adoption and alleged use of the trademark described above is without license or permission of Opposer.

7. Applicant's trademark is substantially identical to Opposer's trademark, identical in part, and is intended for use on the identical products of Opposer.

8. Applicant has no right to adoption of the mark as to exclude any use of the proposed mark by third parties.

9. Registration by Applicant of the trademark will lead the public to conclude, incorrectly, that Applicant has a superior right to use that mark in conjunction with the sale of plants, seeds, gene traits, fertilizers, fungicides, and herbicides and other crop protection and crop products, all to the damage of Opposer and the public. Accordingly, any such registration is prohibited by 15 USC sec. 51052.

WHEREFORE, Opposer, prays that said Application be rejected, and that registration of the trademark in Application No. 78147881 as a trademark to Applicant be refused and denied.

Opposer submits this Notice of Opposition in duplicate with the requisite \$300.00 filing fee.

Opposer hereby constitutes and appoints, James A.Zellinger, a member of the Bar of the State of North Carolina with an office at 410 Swing Rd., Greensboro, N.C., attorney for and on behalf of Opposer in the above-styled and entitled opposition, to prosecute said opposition, to transact all business with the Patent and Trademark Office and in the United States courts in connection with said opposition, and to sign its name to all papers which may hereafter be filed

in connection with said opposition and to receive all official communications relating to the same.

Please send all communications to James A. Zellinger, Telephone Number 336-632-7835.

By: 
James A. Zellinger
Trademark Counsel
Syngenta Crop Protection, Corp.
410 Swing Rd.
Greensboro, N.C.

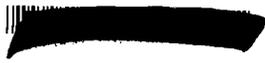
STATE OF North Carolina
COUNTY OF Guilford



James A. Zellinger
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TTAB
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October 28, 2003

Trademark Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 2327
Arlington, VA 22202

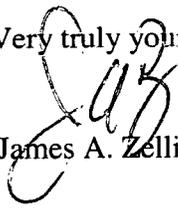
Re: SYNGENE
Application No. 78147881; Filed July 26, 2002

Dear Sirs:

Please find enclosed an original and 3 copies of my client's opposition in conjunction with the above.

The Commissioner is hereby authorized to charge any additional fees under 37 CFR §1.17 which may be required, or credit any overpayment, to Account No. 50-2015 in the name of Syngenta Crop Protection, Inc.

Very truly yours,


James A. Zellinger

JAZ/sk
Encl.