

ESTTA Tracking number: **ESTTA16001**

Filing date: **09/29/2004**

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

### Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

#### Opposer Information

<b>Name</b>	PPG Industries, Inc.		
<b>Entity</b>	Corporation	<b>Citizenship</b>	USA
<b>Address</b>	One PPG Place Pittsburgh, PA 15272 UNITED STATES		

<b>Attorney information</b>	John W. McIlvaine Webb Ziesenheim Logsdon Orkin & Hanson, P.C. 436 Seventh Avenue 700 Koppers Building Pittsburgh, PA 15219-1818 UNITED STATES trademarksforppg@webblaw.com Phone:412-227-2774		
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#### Applicant Information

<b>Application No</b>	78249956	<b>Publication date</b>	09/28/2004
<b>Opposition Filing Date</b>	09/29/2004	<b>Opposition Period Ends</b>	10/28/2004
<b>Applicant</b>	Guardian Industries Corp.		

#### Goods/Services Affected by Opposition

Class 019.

All goods and services in the class are opposed, namely: Window and door glass panels and sheets for use in the architectural field; window and door glass panels and sheets for use in the architectural field having protective and/or hydrophobic coatings; window and door glass panels and sheets treated to control light characteristics.

Class 020.

All goods and services in the class are opposed, namely: Furniture parts, namely, glass panels and sheets; mirrors and mirrors having protective coatings.

Class 021.

All goods and services in the class are opposed, namely: Glass panels and sheets for use in domestic and commercial appliances; glass panels and sheets for use in domestic and commercial appliances having protective coatings.

<b>Attachments</b>	w0145300.pdf ( 3 pages )
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<b>Signature</b>	/JWMc/
<b>Name</b>	John W. McIlvaine
<b>Date</b>	09/29/2004

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

In the matter of: :  
: :  
Application Serial No. 78/249,956 :  
: :  
Filed: May 14, 2003 :  
: :  
Applicant: Guardian Industries Corp. :  
: :  
Trademark: ULTRAWHITE :  
: :  
Published: June 1, 2004 :  
: :

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PPG INDUSTRIES, INC. :  
: :  
                    Opposer, :  
: :  
                    v. :  
: :  
GUARDIAN INDUSTRIES CORP. :  
: :  
                    Applicant. :  
: :

Opposition No. (Not Yet Assigned)

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Pittsburgh, Pennsylvania

**NOTICE OF OPPOSITION**

Opposer, PPG INDUSTRIES, INC., a Pennsylvania corporation, having its principal place of business at One PPG Place, Pittsburgh, PA 15272 (hereinafter "Opposer") believes that it will be damaged by the registration of the mark shown in Application Serial No. 78/249,956, filed May 14, 2003 for ULTRAWHITE (hereinafter "the Application"). Opposer hereby opposes the Application in all three classes.

The specific grounds for opposition are as follows:

1. Opposer is engaged in the field of glass manufacturing, including glass for use in the architectural field, glass for use in domestic and commercial appliances, and glass for mirrors.
2. The Application was published for opposition on June 1, 2004, indicating that the Applicant, Guardian Industries Corp., sought to register ULTRAWHITE for, among other items, window and door glass panels and sheets in the architectural field (International Class 19), glass panels and sheets for use in domestic and commercial appliances (International Class 21), and furniture parts, namely glass panels, sheets and mirrors (International Class 20).
3. The compound word which the Applicant now seeks to register as a trademark is merely descriptive.
4. The purported mark in the Application has been used by third-parties, as shown by commercially available literature, in connection with at least architectural glass and glass for handheld appliances, such as magnifying glasses.
5. A third-party, Dupont, described its laminated building glass in publicly available literature predating the Application, as “clear, ultra white glass”.
6. Nonetheless, the Applicant and its attorneys represented to the Trademark Examiner in the Application, on January 9, 2004, that the Applicant’s proposed mark had no significant meaning in the relevant trade or industry.
7. Terms such as “white”, “ultra white”, “extra white”, “all white”, “clear white”, “water white” and “ultra clear” are all roughly interchangeable terms, which have been extensively used by persons in the trade in a descriptive fashion when discussing architectural glass.

8. Both Opposer and the industry at large will be damaged if Applicant is permitted to register a merely descriptive term in connection with architectural glass, furniture glass, glass for appliances and/or mirrors.

WHEREFORE, Opposer respectfully prays that the registration sought by Applicant be refused and that this opposition be sustained with respect to all goods recited in the Application and for all three corresponding classes.

Respectfully submitted,

WEBB ZIESENHEIM LOGSDON  
ORKIN & HANSON, P.C.

By \_\_\_\_\_  
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Registration No. 34,219  
Counsel for Opposer