

ESTTA Tracking number: **ESTTA44634**

Filing date: **09/09/2005**

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 parties oppose registration of the indicated application.

#### Opposers Information

<b>Name</b>	DSM Dyneema B. V.		
<b>Entity</b>	Corporation	<b>Citizenship</b>	Netherlands
<b>Address</b>	Mauritslaan 49 Geleen-Sittard, 6129 EL te Urmond NETHERLANDS		

<b>Name</b>	DSM IP Assets BV		
<b>Granted to Date of previous extension</b>	09/10/2005		
<b>Address</b>	Het Overloon 1 Herleen, 6411 TE NETHERLANDS		

<b>Attorney information</b>	Richard M. Assmus Mayer Brown Rowe & Maw LLP 1909 K Street NW Washington, DC 20006 UNITED STATES rassmus@mayerbrownrowe.com Phone:312-701-8623		
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#### Applicant Information

<b>Application No</b>	78273162	<b>Publication date</b>	07/12/2005
<b>Opposition Filing Date</b>	09/09/2005	<b>Opposition Period Ends</b>	09/10/2005
<b>Applicant</b>	CAO, Charles Y 611 Forest Hill Dr. Coppell, TX 75019 UNITED STATES		

### **Goods/Services Affected by Opposition**

Class 022. First Use: 20030711 First Use In Commerce: 20030711  
All goods and services in the class are opposed, namely: Ultra-high molecular weight polyethylene synthetic fibers for use in the manufacture of ballistic materials

<b>Attachments</b>	Notice of Opposition.pdf ( 4 pages )
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<b>Signature</b>	/rma/
<b>Name</b>	Richard M. Assmus
<b>Date</b>	09/09/2005

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

In the matter of trademark application Serial No. 78/273,162  
Filed: July 11, 2003  
For the mark: **UNIMA**  
Published in the Official Gazette on: July 12, 2005

DSM IP Assets B.V. and	)	
DSM Dyneema B.V.	)	
	)	
Opposers,	)	
	)	
v.	)	Opposition No. _____
	)	
Charles Y. Cao	)	
	)	
Applicant.	)	

NOTICE OF OPPOSITION

Opposers DSM IP Assets B.V. and DSM Dyneema B.V. believe that they will be damaged by registration of the mark UNIMA as shown in the above-identified application, and hereby oppose the same pursuant to Section 13(a) of the Trademark Act of 1946, as amended (the "Lanham Act"), 15 U.S.C. § 1063 (a).

The grounds for opposition are as follows:

1. Opposer DSM IP Assets B.V. is a corporation organized under the laws of the Netherlands, with its principal place of business located at Het Overloon 1, 6411 TE Heerlen, The Netherlands.

2. Opposer DSM Dyneema B.V. is a corporation organized under the laws of the Netherlands with its principal place of business located at Mauritslaan 49, 6129 EL te Urmond, Geleen-Sittard, the Netherlands.

3. Opposer DSM Dyneema B.V. is in privity with Opposer DSM IP Assets B.V., as both companies are subsidiaries under the common control of the same parent corporation, Royal DSM N.V.

4. Upon information and belief, Applicant Charles Y. Cao is an individual residing at 611 Forest Hill Dr., Coppell, TX 75019.

5. Opposers are part of the Royal DSM N.V. family of companies, one of the world's leading manufacturers of science and nutritional products, performance materials and industrial chemicals. The Royal DSM family of companies has annual sales of around EUR 8 billion and employs about 23,000 people worldwide.

6. Opposer DSM Dyneema B.V. manufactures and distributes a complete line of high performance polyethelene (HPEE) fiber products. DSM Dyneema B.V. is one of the largest manufacturers of HPEE fiber on U.S. soil, operating a manufacturing facility in Greenville, North Carolina.

7. HPEE fibers are used in numerous applications, including the manufacture of bullet resistant vests, lightweight protective helmets, and armor plates for clothing and military uses.

8. Opposers have been offering HPEE fiber in commerce under the trademark DYNEEMA® since at least as early as 1993. DYNEEMA® is the subject of U.S. Registration

No. 2,078,586 issued on July 15, 1997 to DSM High Performance Fibers B.V. (the prior name of Opposer DSM Dyneema B.V.) and assigned to DSM IP Assets B.V. on October 18, 2004.

9. Opposer DSM IP Assets B.V. is also the owner of MICRO DYNEEMA®, Registration No. 2,083,102 for “lines for fishing” in Class 28. Opposers offer a complete line of DYNEEMA® branded products, including “DYNEEMA UD” for bullet resistant sheets and “DYNEEMA PURITY” for medical/surgical products.

10. The subject application for UNIMA (Serial No. 78/273,162) is confusingly similar in sound and appearance to Opposers’ DYNEEMA®.

11. In addition to the confusingly similar sound and appearance of the marks, the goods to be offered under the UNIMA mark (“ultra-high molecular weight polyethylene synthetic fibers for use in the manufacture of ballistic materials” in Class 22) are nearly identical to the goods recited in the DYNEEMA® registration (“plastics in the form of fibers for general industrial use” in Class 17 and “plastic fibers for textile use” in Class 21) and offered under the DYNEEMA® mark.

12. Opposers’ DYNEEMA® Registration No. 2,078,586 issued on July 15, 1997, which precedes Applicant’s filing date of July 11, 2003 and its claimed first use of July 11, 2003.

13. Given the similarity of Opposers’ DYNEEMA® and Applicant’s UNIMA marks and the similar nature of the goods, the UNIMA application, should it be permitted to register, will cause confusion in the marketplace and mislead consumers into believing Mr. Cao’s goods are offered by Opposers or that there is an association, or affiliation between the Mr. Cao and Opposers. Such confusion violates DSM IP Assets B.V.’s rights as the owner of a federal

registration which precedes both Mr. Cao's filing and use and violates the rights granted opposers under the Lanham Act.

WHEREFORE, Opposers believe and allege that they will be damaged by the registration of Applicant's mark and that its use is likely to cause customer confusion as set forth above, Opposers requests that:

1. Judgment in the present opposition be entered in favor of the Opposers and against Applicant, with prejudice;
2. The present opposition be sustained; and
3. Registration on the application of Applicant for the trademark "UNIMA", Serial No. 78/273,162 be rejected and refused.

Respectfully submitted,

DSM IP Assets B.V. and  
DSM Dyneema B.V.

By:   
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