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

Opposition No. _____
Serial No. 78629074

Control Solutions, Inc.,

Opposer,

v.

Chemtura Corporation,

Applicant.

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NOTICE OF OPPOSITION

Control Solutions, Inc. (hereinafter referred to as "Opposer"), a Texas corporation having its headquarters at 5903 Genoa-Red Bluff, Pasadena, TX 77507, believes that it will be damaged by the registration of the mark SPITFIRE shown in Application Serial No. 78629074, filed by Chemtura Corporation (hereinafter referred to as "Applicant"), published in the Official Gazette of February 14, 2006.

The grounds for opposition are as follows:

1. Applicant has requested registration upon the Principal Register, under the provisions of the U.S. Trademark Act of 1946, as amended, of the mark SPITFIRE for agricultural chemicals, namely fungicides, insecticides and herbicides, in International Class 5, based upon a claimed bona fide intention to use the mark.
2. Opposer is the owner of the trademarks SPITFIRE and SPITFIRE PLUS for herbicides for agricultural use.
3. Prior to the filing of the application herein opposed, Opposer has used the trademarks SPITFIRE and SPITFIRE PLUS in connection with the manufacture, sale and advertising of herbicides for agricultural use.

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4. Because of the identical nature of the respective products of the parties and the similarity between the respective marks, Applicant's mark SPITFIRE is likely to cause confusion, mistake, or deception with Opposer's previously used marks SPITFIRE and SPITFIRE PLUS and damage to Opposer and its goodwill represented by its prior used marks.

5. Registration of the mark shown in application S.N. 78629074 will result in damage to Opposer under the provisions of Sections 2(d) of the U.S. Trademark Act, 15 U.S.C. Section 1052(d) pursuant to the allegations stated above.

6. Upon information and belief, it is alleged that Applicant did not at the time of filing of the application herein opposed, have a bona fide intention, under circumstances showing good faith, to use the trademark SPITFIRE in commerce on the products described in the opposed application.

WHEREFORE, Opposer requests that the registration sought by Applicant in application S.N. 78629074 be refused and that this opposition be sustained.

Accompanying the signed copy of this Notice of Opposition is the filing fee of \$300.00.

The Opposer hereby appoints Robert G. Roomian, P.O. Box 7111, Alexandria, VA USA 22307, telephone 703 690-6451, fax 703 690-0074, a member of the Bar of the State of Virginia to represent it in this proceeding and to transact all business in the Patent and Trademark Office therewith.

Signature: Robert G. Roomian Date: 4/15/06

Robert G. Roomian
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