

ESTTA Tracking number: **ESTTA98458**

Filing date: **09/08/2006**

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

Name	UniPro Foodservice, Inc.
Granted to Date of previous extension	09/09/2006
Address	2500 Cumberland Parkway Atlanta, GA 30339 UNITED STATES

Attorney information	W. Scott Creasman POWELL GOLDSTEIN LLP 1201 W. Peachtree Street, NW, 14th Floor Atlanta, GA 30309-3488 UNITED STATES trademarks@pogolaw.com
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### Applicant Information

Application No	78793147	Publication date	07/11/2006
Opposition Filing Date	09/08/2006	Opposition Period Ends	09/09/2006
Applicant	Jon-Don, Inc. 400 Medinah Road Roselle, IL 60172 UNITED STATES		

### Goods/Services Affected by Opposition

Class 007. All goods and services in the class are opposed, namely: machines for cleaning, polishing and buffing floors
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Attachments	Notice of Opposition (UNIPRO).pdf ( 3 pages )(89519 bytes )
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Signature	/WSC/
Name	W. Scott Creasman
Date	09/08/2006

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

In re: Trademark Serial No. 78/793,147

Registrant: UniPro Foodservice, Inc.

Mark: UNIPRO

UniPro Foodservice, Inc.	)	Opposition No. _____
Opposer,	)	
	)	Notice of Opposition
vs.	)	
	)	
Jon-Don, Inc.	)	
Applicant.	)	

Assistant Commissioner for Trademarks  
Trademark Trial and Appeal Board  
U.S. Patent and Trademark Office  
P.O. Box 1451  
Alexandria, VA 22313-1451

ATTN.: Trademark Trial and Appeal Board

**NOTICE OF OPPOSITION**

Opposer, UniPro Foodservice, Inc. (“UniPro”), a Georgia corporation having a principal place of business located at 2500 Cumberland Parkway, Atlanta, Georgia 30339, hereby opposes registration of Application Serial No. 78/793,147 for the mark UNIPRO owned by Applicant Jon-Don, Inc. on the grounds that UNIPRO is likely to be confused with Opposer’s registered marks. The specific grounds for this Opposition are as follows:

1.

UniPro owns the federal trademark registrations for “UNIPRO”, U.S. Registration Nos. 2,257,994 which issued June 29, 1999; 2,257,995 which issued June 29, 1999;

2,259,965 which issued July 6, 1999; and 2,856,868 which issued June 22, 2004 (collectively the “UNIPRO Marks”).

2.

UniPro uses the UNIPRO Marks in connection with goods and services in the commercial food distribution market. Purchasers of UniPro’s goods and services include commercial kitchens, restaurants, hotels and schools.

3.

Upon information and belief, Jon-Don, Inc. (“Jon-Don”) is an Illinois corporation with a principal place of business at 400 Medinah Road, Roselle, Illinois 60172. Jon-Don filed an intent to use trademark application for the UNIPRO mark on January 17, 2006 for machines for cleaning, polishing and buffing floors in International Class 007, based on intent-to-use.

4.

Applicant apparently is intending to use the UNIPRO mark in connection with the floor cleaning and care market.

5.

Potential purchaser’s of Applicant’s goods include the same or similar purchasers of UniPro’s goods and services, such as commercial kitchens, restaurants, hotels and schools.

6.

Because Applicant’s mark is identical to UniPro’s mark, and because the channels of trade and potential purchasers for both Applicant and UniPro may be similar, Applicant’s mark so resembles UniPro’s registered marks, which are not abandoned, as to

be likely to cause confusion, to cause mistake or to deceive within Section 2(d) of the Trademark Act, 15 U.S.C. § 1052(d). Similarly, Applicant's mark falsely suggests a connection with UniPro. UniPro will therefore be damaged by the registration of Applicant's mark.

7.

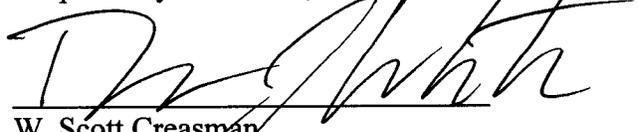
The UNIPRO Marks have priority over Applicant's UNIPRO mark, as each of the UNIPRO Marks registered before Applicant filed its UNIPRO application on an intent to use bases.

WHEREFORE, Opposer prays that application Serial No. 78/793,147 be rejected, that no registration be issued thereon to Applicant, and that this Opposition be sustained in favor of Opposer.

All requisite fees are attached to the electronic filing herewith. Please charge any deficiencies to the Deposit Account No. 501429.

This 8th day of September 2006.

Respectfully submitted,



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