

ESTTA Tracking number: **ESTTA133953**

Filing date: **04/05/2007**

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	Sonotech, Inc.		
Entity	Corporation	Citizenship	Washington
Address	774 Marine Drive Bellingham, WA 98225 UNITED STATES		

Attorney information	Sheila Fox Morrison Davis Wright Tremaine LLP 1300 SW Fifth Avenue, Suite 2300 Portland, OR 97201 UNITED STATES sheilamorrison@dwt.com, kristinefyfe@dwt.com Phone:(503) 778-5311		
----------------------	--	--	--

Applicant Information

Application No	78911283	Publication date	03/06/2007
Opposition Filing Date	04/05/2007	Opposition Period Ends	04/05/2007
Applicant	Hammer, John Brannon 1005 Quiet Shadows Longview, TX 75604 UNITED STATES		

Goods/Services Affected by Opposition

Class 001. First Use: 2004/06/00 First Use In Commerce: 2004/06/00
All goods and services in the class are opposed, namely: coupling agent for industrial use, namely, chemical gel compounds for use in transmitting ultrasonic vibrations from a transducer to an object to gauge thickness

Attachments	Notice of Opposition to SONOGEL.pdf (3 pages)(117141 bytes)
-------------	--

Signature	/Sheila Fox Morrison/
Name	Sheila Fox Morrison
Date	04/05/2007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE TRADEMARK TRIAL AN APPEAL BOARD

In the matter of trademark application Serial No.: 78/911,283
For the mark: SONOGEL
Published in the Official Gazette on: March 6, 2007

Sonotech, Inc.,)
Opposer,) Opposition No. _____
v.)
John Brannon Hammer,)
Applicant.)
_____)

NOTICE OF OPPOSITION

Sonotech, Inc. (“Opposer”), a Washington corporation, located at 744 Marine Drive, Bellingham, Washington 98225-1530, believes that it will be damaged by the registration of the SONOGEL mark shown in Application Serial No. 78/911,283 filed by John Brannon Hammer (“Applicant”), an individual located at 1005 Quiet Shadows, Longview, Texas, 75604 and published in the Official Gazette on March 6, 2007, and hereby opposes the same.

The grounds for opposition are as follows:

1. Opposer, Sonotech, Inc. develops, manufactures and sells high quality ultrasonic couplants to medical and industrial customers in the United States and elsewhere around the world.
2. The Opposer is the owner of the following SONO-based marks as evidenced by its federal trademark registrations (collectively the “Sonotech Family of Marks”):

Mark	Registration Number	Goods and Services	Registration Date
SONOGARD	2,788,648	Concentrated powdered ferrous corrosion-inhibiting additive for water treatment including ultrasonic immersion.	12-02-2003
SONOGLIDE	2,790,956	Liquid ultrasonic couplant for use in nondestructive testing.	01-09-2003
SONOIMAGE	2,272,097	Medical diagnostic ultrasound scanning gel.	08-24-1999
SONOMIX	1,942,113	Ultrasound scanning gel and couplant for medical use.	12-19-1995

SONOTEMP	1,236,910	Ultrasonic Couplant-Namely, a High Viscosity Chemical Composition for Conducting Ultrasonic Sound from a Transducer into Metals, Plastics or Other Material.	05-10-1983
SONOTECH	2,104,567	Ultrasound scanning gels for industrial purposes.	10-14-1997

3. The Opposer is well known to consumers of ultrasonic couplants and to the trade as a result of its long time use of the Sonotech Family of Marks and in particular the SONOTECH house mark. The Sonotech Family of Marks are recognized as identifying Opposer's products. The Sonotech Family of Marks and the associated goodwill are valuable assets of Opposer.

4. On or about June 19, 2006, Applicant filed a trademark application, Application Serial No. 78/911,283, to register the mark SONOGEL for use with a "coupling agent for industrial use, namely, chemical gel compounds for use in transmitting ultrasonic vibrations from a transducer to an object to gauge thickness" in International Class 1.

5. On information and belief, Applicant was aware of Opposer's use of the Sonotech Family of Marks in commerce in connection with ultrasonic couplants and medical ultrasonic couplants on and before the time Applicant filed its trademark application on June 19, 2006.

6. The Applicant's identified goods are *identical* to Opposer's goods.

7. The Applicant's mark adopts the SONO prefix, which is associated with the Sonotech Family of Marks, and is therefore confusingly similar to Opposer's marks.

8. The use, and/or registration by Applicant of a trademark nearly identical to Opposer's Family of Marks, in connection with the sale by Applicant of goods that are identical to Opposer's goods, is likely to cause confusion, mistake or deception among consumers as to the source, origin or sponsorship of Applicant's goods.

9. Applicant advertises that its SONOGEL product "has superior corrosion inhibiting properties on all metals and alloys except magnesium." However, Applicant's SONOGEL product, in fact, causes corrosion. This has been determined by independent metallurgists who conducted tests at Opposer's request.

10. Because Applicant's mark is confusingly similar to Opposer's Family of Marks and because the associated goods are identical, customers and potential customers are likely to believe, and such belief would be reasonable, that Applicant's goods originate from Opposer or

are in some way associated with the Opposer causing damage and detriment to Opposer. Furthermore such damage to Opposer is exacerbated by Applicant's use of such a confusingly similar mark on identical goods of inferior quality.

11. Registration of Applicant's mark in these circumstances would irreparably harm Opposer.

WHEREFORE, Opposer requests that this Opposition be sustained and the Application Serial No. 78/911,283 be refused registration.

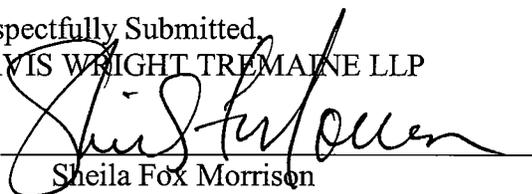
Please charge the fee of \$300 to the Davis Wright Tremaine LLP Deposit Account No. 040258. Please charge any additional fees that may be due, or credit any overpayment, to our Deposit Account No. 040258.

Date

4/5/01

Respectfully Submitted,
DAVIS WRIGHT TREMAINE LLP

By



Sheila Fox Morrison
Attorney for Opposer
1300 SW Fifth Ave, Suite 2300
Portland Oregon 97201