

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

IKONICS CORPORATION Opposer, v. SAWGRASS TECHNOLOGIES, INC. Applicant))))))	Opposition No. _____ Mark: CHROMABLAST Serial No.: 78-940,864
---	----------------------------	---

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this Transmittal Letter and the paper, as described herein, are being deposited in the United States Postal Service, as first class mail, in an envelope addressed to: Trademark Trial and Appeal Board, U.S. Patent and Trademark Office, P.O. Box 1451, Alexandria, VA 22313-1451 on September 6, 2007.

By: Lisa Joyce
 Name: Lisa Joyce

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

Dear Sir or Madam:

We are transmitting herewith the attached:

- Return postcard.
- Transmittal Sheet containing Certificate Under 37 C.F.R. 1.8
- Notice of Opposition (1 Original and 1 Copy)
- Exhibits A and B
- Please charge Deposit Account 50-0996 (IKON.049TMAB) \$900.00 in payment of the Filing Fee.** Authority is given to charge/credit additional fees/overages to complete this filing.

CRAWFORD MAUNU PLLC
 1270 Northland Drive, Suite 390
 St. Paul, MN 55120
 (651) 259-2302

By: Linda M. Byrnes
 Name: Linda M. Byrnes
 Reg. No. 32,404



09-10-2007

IKON.049TMAB

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

IKONICS CORPORATION)

Opposer,)

v.)

SAWGRASS TECHNOLOGIES, INC.)

Applicant)

Opposition No. _____

Mark: CHROMABLAST

Serial No.: 78-940,864

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

NOTICE OF OPPOSITION

IKONICS CORPORATION, a Minnesota corporation, located and doing business at 4832 Grand Avenue, Duluth, Minnesota 55807, (hereinafter "Opposer"), believes it would be damaged and injured by registration of the mark CHROMABLAST for "computer software for color management" in Class 9; "ink jet printer ink" in Class 2; and "printer paper" in Class 16, as shown in Application Serial No. 78-940,864, filed on July 31, 2006, by Sawgrass Technologies, Inc. (hereinafter "Applicant"), and published in the *Official Gazette* on March 13, 2007.

Opposer alleges, solely for the purpose of this proceeding, as grounds for Opposition, the following:

1. Applicant seeks to register CHROMABLAST for "computer software for color management" in Class 9; "ink jet printer ink" in Class 2; and "printer paper" in Class 16, based upon intent to use, as evidenced by publication of said mark in the *Official Gazette* on March 13, 2007.

09/13/2007 SWILSON1 00000013 500996 78940864
01 FC:6402 900.00 DA

2. Upon information and belief, Applicant's CHROMABLAST mark is the name of an imaging system for creating customized designs on textiles such as t-shirts. Attached as Exhibit A is a page from Applicant's website describing its CHROMABLAST system.

3. Opposer is in the business of selling supplies, chemicals and accessories for screenprinting, including the reproduction of designs on textiles such as t-shirts. Attached as Exhibit B is a printout from Opposer's website (www.chromaline.com), which contains information relating to Opposer's products and services.

4. Opposer is the owner of U.S. Reg. No. 976,355 for CHROMALINE for "film fluid screen emulsion systems and pressure sensitive polyester film and equipment" in Class 9. Opposer first used the CHROMALINE mark in the United States for these goods at least as early as May 1, 1967.

5. Opposer is the owner of U.S. Reg. No. 1,983,287 for CHROMALINE for "chemicals and emulsions for use in screen printing processes, namely photo resistant emulsions, film and liquid emulsion screen printing kits containing film and chemicals, screen chemicals, direct emulsions used for silk screening, image emulsion remover for screens, stencil hardeners for silk screening, wetting agents, stencil haze removers, emulsion hardeners, fabric abraders, photosensitive films, capillary films used for capillary films used for stencil making in screen printing processes, and films for stencil imaging by exposure" in Class 1; "supplies for equipment for use in screen printing processes, namely exposure calculators for use in screen printing processes, and video cassettes pertaining to screen printing processes" in Class 9; "educational services, namely conducting classes in screen printing and screen making" in Class 41.

6. Opposer is the owner of U.S. Reg. No. 1,395,432 for CHROMALINE in association with "film fluid screen emulsion" in Class 1.

7. Opposer is the owner of common law rights in a family of "CHROMA-" products, including CHROMA/BRADE, CHROMA/PRESS, CHROMA/HAZE, CHROMA/COAT, CHROMA/BLUE, etc.

8. Opposer sells products in association with a trademark containing the "CHROMA-" prefix that are competitive with, and/or related to computer software for color management, ink jet printer ink, and/or printer paper.

9. Upon information and belief, Applicant's goods are or will be offered to the same class of consumers as those that receive Opposer's goods, and are closely related to or directly competitive with those offered by Opposer.

10. By virtue of Opposer's efforts, and the expenditure of considerable sums for promotional activities, and by virtue of the excellence of Opposer's goods, Opposer has gained a valuable reputation for its marks CHROMALINE and other "CHROMA-" marks.

11. Applicant's asserted mark "so resembles a mark . . . previously used in the United States by another and not abandoned, as to be likely, when applied to the goods of the Applicant, to cause confusion, or to cause mistake, or to deceive." 15 U.S.C. Section 1052(d).

12. If the Applicant is permitted to use and register its mark, confusion in the trade resulting in damage and injury to Opposer would be caused and would result by reason of the

substantial similarity between Applicant's CHROMABLAST mark and Opposer's CHROMALINE and other "CHROMA-" marks. Furthermore, any objection or fault found with Applicant's goods provided under its mark would necessarily reflect on and seriously injure the reputation that Opposer has established through its use of its CHROMALINE and other "CHROMA-" marks.

13. If Applicant is granted registration of the mark herein opposed, it would thereby obtain at least a prima facie exclusive right to the use of its alleged mark. Such registration would be a source of further damage and injury to Opposer.

14. For the reasons set forth in the foregoing paragraphs, Applicant is not entitled to register its mark, and the application should be denied in accordance with Section 2(d) of the Lanham Act, 15 U.S.C. Section 1052(d).

WHEREFORE, Opposer requests that Application Serial No. 78/940,864 for registration of the alleged mark CHROMABLAST be refused and denied, and that this opposition be sustained in favor of Opposer.

A duplicate copy of this Notice of Opposition is enclosed herewith. Please deduct the required filing fee of \$900.00 from our Deposit Account 500996 (IKON.049TMAB) for this Notice of Opposition in three classes (Classes 9, 2 and 16). Authority is given to charge any additional fees which may be necessary to complete this filing.

Please direct all correspondence to the attention of:

Linda M. Byrne
Crawford Maunu PLLC
1270 Northland Drive, Suite 390
St. Paul, MN 55120
651-259-2302 telephone
651-686-7111 fax
LByrne@ip-firm.com

The Opposer appoints Linda Byrne, Robert Crawford, and Eric Curtin of the firm of CRAWFORD MAUNU PLLC as its attorneys to prosecute this opposition and to transact all business in the Patent and Trademark Office connected therewith.

Respectfully submitted,

IKONICS CORPORATION

By Its Attorneys

Date: Sept. 6, 2007



Linda M. Byrne
Registration No. 32,404
CRAWFORD MAUNU PLLC
1270 Northland Drive
St. Paul, MN 55120
651-259-2302 telephone
651-686-7111 fax
LByrne@ip-firm.com

Attachments: Exhibit A
Exhibit B

CERTIFICATE OF MAILING

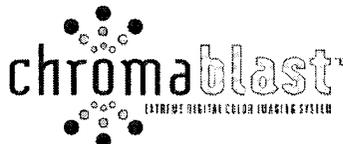
I hereby certify that this NOTICE OF OPPOSITION is being deposited with the United States Postal Service, first class mail, in an envelope addressed to Trademark Trial and Appeal Board, U.S. Patent and Trademark Office, P.O. Box 1451, Alexandria, VA 22313-1451 on this 6th day of September, 2007.



Lisa A. Joyce

[Home](#) [Corporate](#) [News](#) [Products](#) [Learn & Events](#) [Sawgrass Partners](#) [Sawgrass Support](#)

You are here: [HOME](#) > [products](#) > [chromablast](#)



ChromaBlast™ is a unique patented ink and media combination driven by powerful print software to create the best cotton imaging system available. As heat and pressure is applied to the cotton, a chemical cross-link with cotton occurs. The result is a customized cotton shirt with soft hand, vibrant color and superior washability.

What is so unique about ChromaBlast™?

The key to the ChromaBlast™ Digital Color Imaging System is the chemical bonding between the ink and the coating on the media. Where the ink chemistry and the media coating chemistry touch, there is a cross-link reaction under heat and pressure that chemically bonds the image to the cotton. The cross-link creates a very strong and nearly permanent bond. Remove the paper and the image area is tattooed into the shirt itself. The overprint area from the media does physically transfer, but washes away because it has no ink to react to in the non-image area. The area around the image has a very light feel that becomes nearly imperceptible after one wash.

The final result is a vibrant, colorful image on the t-shirt that looks, feels and breathes like nothing else on the market. Imagine the ability to print what you want, when you want it. Now imagine all of this from the digital desktop printing system that uses environmentally friendly inks and can be operated right in your office by your graphic design or marketing staff.

How the ChromaBlast™ system works

Create or import your artwork using a graphic program, like CorelDraw® or Photoshop®. Customize and control your color output through the ChromaBlast™ driver.

Print your image using ChromaBlast™ inks, a standard Epson® printer, and high-quality ChromaBlast™ media. Using a standard heat press, cross-link the image onto cotton.

And create an instant customized image ready for sale that feels and looks great wash after wash!

Professional Digital Color Imaging is Now Within Reach

ChromaBlast™ allows businesses of all sizes to power into the profitable garment decoration market without sacrificing image quality. With low start up costs and low costs per print, businesses can profit from the ChromaBlast™ system almost immediately. And because the system features the ChromaBlast™ driver, you can control your color and image quality output.

What Makes ChromaBlast™ Extreme Digital Imaging Special?

- Incredibly Soft Image Feel
- Vibrant Color – Wash After Wash
- Overprint Washes Away
- Affordable System
- Fast & Easy Customization

To learn more about the ChromaBlast™ Extreme Digital Color Imaging System or to order your ChromaBlast™ system today, visit the [ChromaBlast™ website](#).

Website Search:

[Site Map](#)

ChromaBlast™ Driver

ChromaBlast™ Driver Download

[C88 ChromaBlast™ Driver](#)

[D88 ChromaBlast™ Driver](#)

[R1800 ChromaBlast™ Driver](#)

[4800 ChromaBlast™ Driver](#)

Driver Registration

Registration will provide you with a full version of our ChromaBlast™ Driver color correction software, an essential component to your success with ChromaBlast™ inks.

[Click here to register](#)

ChromaBlast™ Website

To learn more about the ChromaBlast™ "Extreme Digital Color Imaging System" or to order your ChromaBlast™ system today, visit the official ChromaBlast™ website.

[ChromaBlast™](#)

Sawgrass Product Distributors

Looking for a specific Product?

Select the Sawgrass product you are interested in from the menu below:

Please select a product... -

ChromaBlast™ Flash

Learn more about the ChromaBlast™ Extreme Digital Color Imaging System.

[Watch the Flash Movie](#)

Hot Off the Press

Sawgrass News

Get up to the minute information about what's making headlines here at Sawgrass Technologies.

[Press Releases](#)

[Home](#) [Corporate](#) [News](#) [Products](#) [Learn & Events](#) [Sawgrass Partners](#) [Support](#)

Copyright ©2007 Sawgrass Technologies, Inc. All rights reserved.

EXHIBIT A

chromaline

Best Brand. Best Products. Best Results.

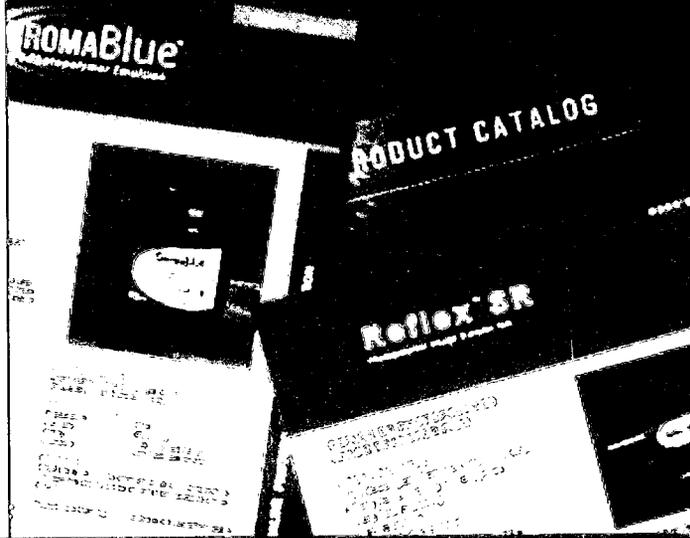
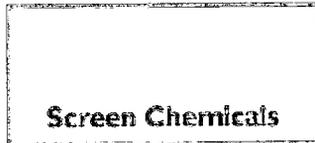
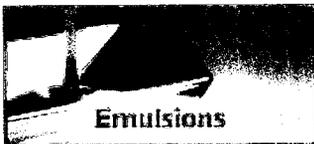
- Product Literature
- Tradeshows Schedule
- Chromaline News
- Industry Links
- Promotional Materials
- MSDS



HOME PRODUCTS WHERE TO BUY ABOUT CHROMALINE TRAINING CENTER CONTACT

- [Technical Articles](#)
- [Product Literature](#)
- [Troubleshooting Tips](#)
- [Screen FAQs](#)
- [AccuArt FAQs](#)
- [Contact Us](#)

Product Literature



Chromaline Screen Print Products, 4832 Grand Avenue, Duluth, Minnesota 55807 USA | Toll Free: 1-800-328-4261 | E-mail: sales@chromaline.com

[Home](#) | [Products](#) | [Where to Buy](#) | [About Us](#) | [Training](#) | [Contact](#) | [Product Lit](#) | [Tradeshows](#) | [News](#) | [Links](#) | [Promo Materials](#) | [MSDS](#) | [Site Map](#)
 Copyright © 2007 Chromaline Screen Print Products. All rights reserved. An IKONICS Company ISO 9001 Certified NASDAQ Listed: IKNX
 Ranked #57 on Fortune Magazine's Fastest Growing Small Companies, 2005

EXHIBIT B