

ESTTA Tracking number: **ESTTA202413**

Filing date: **04/02/2008**

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 | L&P Property Management Company |
| Granted to Date of previous extension | 04/02/2008 |
| Address | 4095 Firestone Boulevard South Gate, CA 90280 UNITED STATES |

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| Attorney information | Kristin Jordan Harkins, Reg. No. 37,859 Conley Rose, P.C. 5601 Granite Parkway, Suite 750 Plano, TX 75024 UNITED STATES dallastrademarks@dfw.conleyrose.com Phone:972-731-2288 |
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Applicant Information

| | | | |
|------------------------|---|------------------------|------------|
| Application No | 76678943 | Publication date | 12/04/2007 |
| Opposition Filing Date | 04/02/2008 | Opposition Period Ends | 04/02/2008 |
| Applicant | AMEGA SCIENCES, INC. 3954 MERLIN DRIVE KISSIMMEE, FL 34741 UNITED STATES | | |

Goods/Services Affected by Opposition

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| Class 001. All goods and services in the class are opposed, namely: WETTING AGENT THAT HELPS WATER CONSERVATION |
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Grounds for Opposition

| | |
|-------|-----------------------------------|
| Other | See attached Notice of Opposition |
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|-------------|--|
| Attachments | Notice of Opposition.pdf (4 pages)(76311 bytes) |
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

| | |
|-----------|---|
| Signature | /KristinJordanHarkins/ |
| Name | Kristin Jordan Harkins, Reg. No. 37,859 |
| Date | 04/02/2008 |

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

In re U.S. Trademark Application Serial No. 76/678,943 for the mark GEO-WET, filed on June 29, 2007, published on December 4, 2007, and owned by Amega Sciences, Inc., a Florida corporation.

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|---------------------------------|---|----------------------|
| L&P Property Management Company | § | |
| | § | |
| Opposer, | § | |
| | § | |
| vs. | § | Opposition No. _____ |
| | § | |
| Amega Sciences, Inc. | § | |
| | § | |
| Applicant. | § | |

NOTICE OF OPPOSITION

Commissioner:

L&P Property Management Company (“Opposer”), a corporation of the State of Delaware, having a business address of 4095 Firestone Boulevard, South Gate, California 90280, was granted an Extension of Time to file the present Notice of Opposition until April 2, 2008. Opposer believes that it would be damaged by registration of the mark GEO-WET, shown in U.S. Trademark Application Serial No. 76/678,943, and hereby opposes the same under the provisions of the Trademark Act of 1946, § 1063 of Title 15 of the United States Code.

Opposer alleges the following as grounds for the opposition:

1. The opposed U.S. Trademark Application Serial No. 76/678,943 for the mark GEO-WET was filed on June 29, 2007 by Amega Sciences, Inc., a corporation of the State of Florida (“Applicant”), as evidenced by publication of the mark in the Official Gazette on

December 4, 2007. The application seeks registration of the mark GEO-WET for “wetting agent that helps water conservation” in International Class 001, based on Applicant’s alleged intent to use the mark.

2. The Opposer, through a related company, sells seed products, chemical products, erosion control supplies, landscape products and geotextiles.

3. The Opposer’s related company developed and adopted the marks GEO-WET and GEOWET for use in connection with a wetting agent chemical prior to the filing date of the opposed application.

4. The Opposer’s related company is currently using the marks GEO-WET and GEOWET in connection with a wetting agent chemical.

5. The Opposer plans to file a U.S. Trademark Application seeking registration of the GEO-WET mark and/or the GEOWET mark in connection with a wetting agent chemical and believes that registration will be refused in view of the opposed application.

6. The Applicant’s registration of the mark GEO-WET in connection with the identified goods would interfere with Opposer’s rights to its marks GEO-WET and GEOWET, thereby resulting in damage and injury to the Opposer.

7. Upon information and belief, the Applicant is a private label manufacturer.

8. Upon information and belief, the Applicant did not have a *bona fide* intent to use the mark in connection with the identified goods as of the filing date of the application. Instead, the Applicant merely intended to manufacture a wetting agent chemical on behalf of the Opposer’s related company and privately label the product with the Opposer’s mark GEO-WET.

9. The Applicant is not, and was not at the time of filing the opposed application, the rightful owner of the mark GEO-WET for use in connection with the identified goods.

WHEREFORE, Opposer prays that registration of the mark shown in U.S. Trademark Application Serial No. 76/678,943 be refused and that this Notice of Opposition be sustained in favor of Opposer.

Authorization is hereby granted to the U.S. Patent and Trademark Office to deduct the filing fee for the present opposition in the amount of \$300.00 from Conley Rose Deposit Account No. 50-1515. Any additional fee due should be charged to Deposit Account No. 50-1515.

Respectfully submitted,

Dated: April 2, 2008

By: *Kristin Jordan Harkins*
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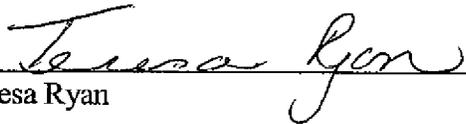
ATTORNEY FOR OPPOSER
L&P Property Management Company

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the NOTICE OF OPPOSITION opposing registration of U.S. Trademark Application Serial No. 76/678,943 for the mark GEO-WET was served upon all counsel of record in this matter, by causing a copy of same to be mailed via first class mail, postage prepaid to the following:

Amega Sciences, Inc.
3954 Merlin Drive
Kissimmee, Florida 34741

on Wednesday, April 2, 2008.



Teresa Ryan