



The grounds for the opposition are:

1. The Applicant filed on August 24, 2007 its trademark application for the mark **Q8**, Serial No. 77/264,145, based upon a bona fide intent to use the mark shown in the application herein being opposed.

2. The Opposer holds prior rights in the mark **Q8** and **Q8 AND DESIGN** based on its worldwide prior use of both trademarks. Opposer is universally recognized as one of today's top ten oil energy conglomerates and a leader in providing safe, clean energy to global markets. For over 20 years, Opposer has been using the **Q8** and **Q8 AND DESIGN** marks in connection with its services and goods, specifically petroleum and petroleum-related goods and services. Opposer has marketed, advertised and sold and continues to sell petroleum and petroleum-related goods and services under the **Q8** and **Q8 AND DESIGN** marks. Opposer previously held U.S. Registration Number 1584179 for the **Q8 AND DESIGN** mark, which covered "chemical products derived from petroleum hydrocarbons for use as intermediate compounds in the chemical industry" in International Class 001; "diesel fuels and gasoline; full line of lubricants, industrial oils and greases; lamp oil and kerosene" in International Class 004; and "road maps; pamphlets, books and brochures providing instructions for utilization of petroleum derivative products and the maintenance and repair of all types

of petroleum fueled land, sea and air vehicles", in International Class 016, which was unintentionally allowed to lapse.

3. Opposer's products sold under the **Q8** and **Q8 AND DESIGN** trademarks have been extensively promoted throughout the world to the relevant trade and to the consuming public.

4. By reason of Opposer's aforesaid extensive promotion and sale of its products, Opposer's **Q8** and **Q8 AND DESIGN** trademarks qualify as well known trademarks under Article 6bis of the Paris Convention and have acquired such great recognition and renown that the relevant trade and public have come to recognize the name and trademarks **Q8** and **Q8 AND DESIGN** as signifying Opposer exclusively.

5. Applicant's **Q8** mark is liable to create confusion as the mark is substantially similar to Opposer's **Q8** and **Q8 AND DESIGN** marks, as the essential part of the mark constitutes a reproduction of Opposer's well-known marks or an imitation liable to create confusion therewith, and covers identical or similar goods.

6. Applicant's claimed trademark **Q8**, as proposed for use in connection with fuel-related goods as set forth in the application, is so similar to Opposer's **Q8** and **Q8 AND DESIGN** trademarks used for petroleum and petroleum-related goods and services, as to be likely to create confusion, mistake or deception, all to the damage of Opposer, and to the damage of

Opposer's rights in its trademarks, which marks have been in use long prior to the filing of the Applicant's trademark application.

7. Based upon information and belief the goods identified in the Applicant's application for the trademark **Q8** and those products sold under the Opposer's names and marks could be sold to the same potential consumers or end-users as the Opposer's products.

8. Based upon information and belief the goods identified in the Applicant's application for the trademark **Q8** and those products sold under the Opposer's names and marks could move through the same channels of distribution and be sold in the same stores or in stores selling competing items.

8. Applicant's **Q8** mark consists entirely of Opposer's **Q8** trademark and the word portion of Opposer's **Q8 AND DESIGN** trademark, which further emphasizes a likelihood of confusion with Opposer's trademarks.

9. Use by the Applicant of the trademark **Q8**, for which registration is sought in the application opposed herein, is without Opposer's consent or permission.

10. Applicant's registration of the trademark **Q8** will result in damage, dilution, and in the diminishment in sales and the loss of the value of the Opposer's names and marks.

WHEREFORE, Opposer believes it will be damaged by the registration of the claimed trademark in Application Serial

No. 77/264,145 and prays that this Opposition be sustained and that the Applicant's registration be denied.

This Notice of Opposition is being filed in duplicate and **please charge the required fee to our deposit Account No. 120400.** Also, please charge any additional costs to our Deposit Account No. 120400.

Please address all correspondence to Frederick W. Meyers, Ladas & Parry, 224 South Michigan Avenue, Suite 1600, Chicago, IL 60604, telephone (312) 427-1300.

Respectfully submitted,

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By:   
One of Opposer's attorneys

**CERTIFICATE OF MAILING**

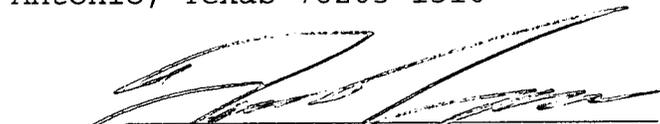
I hereby certify that this correspondence is being deposited (in duplicate) with the United States Postal Service as First Class Mail addressed to ATTN: TTAB-FEE, Commissioner for Trademarks, U.S. Trademark Office, P.O. Box 1451, Alexandria, VA 22313-1451 on July 2, 2008.

  
Frederick W. Meyers

**CERTIFICATE OF SERVICE**

The undersigned, one of Opposer's attorneys, hereby certifies that on July 2, 2008, he caused a true and correct copies of the foregoing NOTICE OF OPPOSITION to be served upon Applicant by First Class mail, postage pre-paid, at the following address:

William B. Nash  
Jackson Walker LLP  
112 E. Pecan Street, Suite 2400  
San Antonio, Texas 78205-1510

  
Frederick W. Meyers