

ESTTA Tracking number: **ESTTA239606**

Filing date: **09/29/2008**

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	Pall Corporation
Granted to Date of previous extension	09/28/2008
Address	2200 Northern Boulevard East Hills, NY 11548 UNITED STATES

Attorney information	Lynn A. Sullivan Leydig Voit & Mayer, Ltd. Two Prudential Plaza, 180 N. Stetson Suite 4900 Chicago, IL 60601 UNITED STATES lsullivan@leydig.com Phone:312-616-5652
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Applicant Information

Application No	77038527	Publication date	04/01/2008
Opposition Filing Date	09/29/2008	Opposition Period Ends	09/28/2008
Applicant	PROFILE PRODUCTS LLC 750 Lake Cook Road, Suite 440 Buffalo Grove, IL 60089 UNITED STATES		

Goods/Services Affected by Opposition

Class 019. First Use: 2000/06/30 First Use In Commerce: 2000/06/30 All goods and services in the class are opposed, namely: EROSION CONTROL BLANKETS; WOOD FIBER MATS FOR EROSION CONTROL; GEOTEXTILE MATTING FOR TURF REINFORCEMENT AND STABILIZATION; FIBER FILTRATION TUBES FOR USE IN EROSION CONTROL, SEDIMENT CONTROL, AND STORM WATER TREATMENT

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	1372379	Application Date	05/06/1985
Registration Date	11/26/1985	Foreign Priority Date	NONE
Word Mark	PROFILE		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 011. First use: First Use: 1984/03/19 First Use In Commerce: 1984/03/19 FILTER CARTRIDGES FOR INDUSTRIAL USE

Attachments	Notice of Opposition.pdf (5 pages)(767649 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	/Lynn A. Sullivan/
Name	Lynn A. Sullivan
Date	09/29/2008

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

Pall Corporation,)	
)	
Opposer,)	
)	
v.)	Opposition No.
)	Serial No. 77/038527
Profile Products LLC,)	
)	
Applicant.)	

NOTICE OF OPPOSITION

In the matter of application Serial No. 77/038527 for registration of the alleged mark PROFILE in International Class 19 by Profile Products LLC (hereinafter "Applicant"), which was published in the Official Gazette on April 1, 2008, Pall Corporation, (hereinafter "Opposer"), a corporation of New York, whose address is 2200 Northern Boulevard, East Hills, NY 11548, who previously filed timely Requests for Extension, believes it will be damaged by the registration, and therefore opposes the same.

As grounds for the opposition, Opposer alleges as follows:

1. Applicant filed to register the mark PROFILE in International Class 19 (among other classes) for "erosion control blankets; wood fiber mats for erosion control; geotextile matting for tray reinforcement and stabilization; fiber filtration tubes for use in erosion control, sediment control and storm water treatment" as evidenced by the publication of said mark in the Official Gazette on April 1, 2008.

2. Opposer has for many years been engaged in the manufacture and sale of diverse filtration, separation and purification products. Opposer's products are well known in the industry.

3. Opposer has adopted, used, and is the owner of the registration for PROFILE under Registration No. 1,372,379 in International Class 11 for "filter cartridges for industrial use." The foregoing registration is valid, subsisting and incontestable. A copy of the registration is attached hereto as Exhibit 1.

4. Based on Pall's use of the PROFILE mark since at least as early as March 19, 1984, Pall has priority of use of the mark and has developed substantial good will therein and public recognition thereof, and said mark has come to identify Opposer's product to the filtration market and the relevant purchasing public.

5. The products recited in Class 19 of the pending application for PROFILE, U.S. Serial No. 77/038527 and upon which Applicant apparently intends to use the pending mark, likewise are directed to the filtration market and concern filtration products.

6. Opposer's goods and Applicant's respective goods are both used for filtration and purification processes.

7. Upon information and belief, Applicant and Opposer will be promoting and marketing its respective PROFILE products, to the same and overlapping markets.

8. Opposer's PROFILE product is a general purpose filter for a multitude of variable applications including use to treat reclaimed water for the landfill leachate market which is overlapping and/or related to those of Applicant's proposed use, and therefore customers familiar

with Pall products would see Applicant's PROFILE product on the internet, in distributor catalogs, at trade shows, etc.

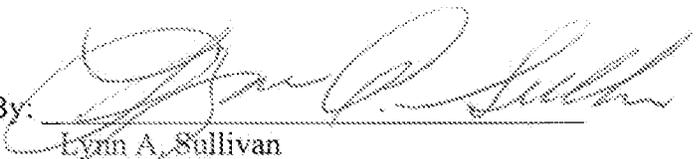
9. Upon information and belief, Opposer's goods and Applicant's respective goods could be directed to the same or similar potential customers, and marketed through the same trade channels, internet, trade publications and tradeshow. Such customers would likely be familiar with Opposer's goods and would likely believe that Applicant's goods were somehow related to, complementary to, or otherwise authorized by Opposer.

10. Applicant's use of the mark PROFILE, which is identical in sight, sound and commercial impression to Opposer's registered mark PROFILE, used in connection with advertising and promoting such closely related goods, is likely to cause confusion or mistake, or to deceive, within the meaning of Section 2(d) of the Lanham Act, 15 U.S.C. Section 1052(d).

WHEREFORE, Opposer respectfully requests that this opposition be sustained and that the registration of pending U.S. Serial No. 77/038527 for class 19 be denied.

Respectfully submitted,

Date: Sept. 29, 2008

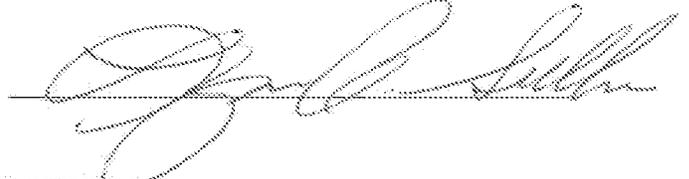
By: 

Lynn A. Sullivan
Kevin C. Parks
Michelle L. Calkins
LEYDIG, VOIT & MAYER, LTD.
Two Prudential Plaza
Suite 4900
Chicago, Illinois 60601-6731
(312) 616-5600

Attorneys for Opposer
Pall Corporation

CERTIFICATE OF ELECTRONIC FILING

I hereby certify that a copy of the attached Notice of Opposition was electronically filed with the TTAB on September 29, 2008.



CERTIFICATE OF SERVICE

I hereby certify that a copy of the attached Notice of Opposition is deposited with the United States Postal Service, as first class mail, in an envelope addressed to the applicant and its attorney at:

Profile Products LLC
750 Lake Cook Road
Suite 440
Buffalo Grove, IL 60089

Anessa Owen Kramer
Brooks Kushman P.C.
1000 Town Center, 22nd Floor
Southfield, MI 48075-1238

Date: Sept. 29, 2008

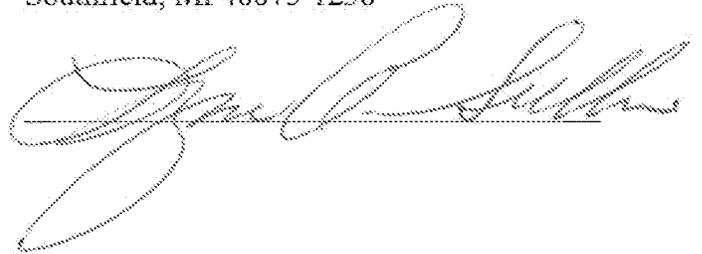


Exhibit 1

Int. Cl.: 11



Prior U.S. Cl.: 31

Reg. No. 1,372,379

United States Patent and Trademark Office Registered Nov. 26, 1985

TRADEMARK
PRINCIPAL REGISTER

PROFILE

PALL CORPORATION (NEW YORK CORPORATION)
2200 NORTHERN BOULEVARD
EAST HILLS, NY 11548

FIRST USE 3-19-1984; IN COMMERCE
3-19-1984.

SER. NO. 535,932, FILED 5-6-1985.

FOR: FILTER CARTRIDGES FOR INDUSTRIAL USE, IN CLASS 11 (U.S. CL. 31).

ABRAM I. SACHS, EXAMINING ATTORNEY