

ESTTA Tracking number: **ESTTA279641**

Filing date: **04/22/2009**

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	Gentek Building Products, Inc.
Granted to Date of previous extension	04/22/2009
Address	P.O. Box 110 Akron, OH 44309 UNITED STATES

Attorney information	Holly M. Ford Buchanan Ingersoll & Rooney, PC P.O. Box 1404 Alexandria, VA 22313-1404 UNITED STATES holly.ford@bipc.com, beth.harrison@bipc.com Phone: 703 836-6620
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Applicant Information

Application No	77543998	Publication date	12/23/2008
Opposition Filing Date	04/22/2009	Opposition Period Ends	04/22/2009
Applicant	Alcoa Home Exteriors, Inc. Suite 900 2600 Grand Boulevard Kansas City, MO 64108 UNITED STATES		

Goods/Services Affected by Opposition

Class 019. All goods and services in the class are opposed, namely: vinyl siding

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	1788166	Application Date	12/21/1992
Registration Date	08/17/1993	Foreign Priority Date	NONE
Word Mark	SIGNATURE		
Design Mark			

Description of Mark	NONE
Goods/Services	Class 019. First use: First Use: 1990/04/23 First Use In Commerce: 1990/04/23 vinyl windows

U.S. Registration No.	1942268	Application Date	07/11/1994
Registration Date	12/19/1995	Foreign Priority Date	NONE
Word Mark	SIGNATURE SUPREME		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 019. First use: First Use: 1994/02/09 First Use In Commerce: 1994/02/09 vinyl siding		

Attachments	Notice of Opposition - QUEST SIGNATURE SN 77543998.pdf (5 pages) (178171 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	/Holly M. Ford/
Name	Holly M. Ford
Date	04/22/2009

1. Applicant is the record owner of Application Serial No. 77/543,998 for Applicant's QUEST SIGNATURE Mark in connection with Applicant's Goods.

2. Opposer is the owner of U.S. Registration No. 1,788,166 for the word mark SIGNATURE and U.S. Registration No. 1,942,268 for the word mark SIGNATURE SUPREME ("Opposer's marks") for use in connection with "vinyl windows" and "vinyl siding," both in International Class 19. The aforementioned marks are collectively referred to as "Opposer's SIGNATURE Marks" and the goods listed therein are collectively referred to as "Opposer's Goods." U.S. Registration Nos. 1,788,166 and 1,942,268 are both incontestable therefore priority of use is not an issue.

3. Upon information and belief, Applicant did not use Applicant's QUEST SIGNATURE Mark in connection with Applicant's Goods in interstate commerce in the United States prior to August 11, 2008, the filing date of Application Serial No. 77/543,998.

4. Opposer is a Delaware Corporation with a business address at P.O. Box 110, Akron, Ohio 44309.

6. Commencing long prior to the filing date of Application Serial No. 77/543,998 and any use by Applicant of Applicant's QUEST SIGNATURE Mark, Opposer has been and is now engaged in the business of advertising, offering for sale and selling Opposer's Goods under Opposer's SIGNATURE Marks.

7. Commencing long prior to the filing date of Application Serial No. 77/543,998 and any use by Applicant of Applicant's QUEST SIGNATURE Mark, Opposer has used and is now using Opposer's SIGNATURE Marks in connection with the advertising, offering for sale and selling of Opposer's Goods in interstate commerce in the United States.

8. Due to Opposer's longstanding and continuous use of Opposer's SIGNATURE Marks in connection with Opposer's Goods, Opposer's SIGNATURE Marks have become well known as designating Opposer's Goods throughout the United States.

9. Opposer enjoys substantial and exclusive goodwill and a fine reputation throughout the United States in connection with Opposer's SIGNATURE Marks.

10. Applicant's QUEST SIGNATURE Mark in Application Serial No. 77/543,998 is highly similar to Opposer's SIGNATURE Marks in sight, sound, and commercial impression.

11. Applicant's Goods are identical or closely related to Opposer's Goods and are sold to identical or highly similar types of consumers through similar channels of trade.

12. Applicant's QUEST SIGNATURE Mark in Application Serial No. 77/543,998 so resembles Opposer's previously registered and used Opposer's SIGNATURE Marks as to be likely, when applied to Applicant's Goods, to cause confusion, to cause mistake, or to deceive, by creating the erroneous impression that Applicant's Goods originate from or are associated with Opposer, or that Applicant's Goods are authorized, endorsed or sponsored by Opposer.

13. The registration of Applicant's QUEST SIGNATURE Mark in Application Serial No. 77/543,998 is likely to cause dilution of Opposer's SIGNATURE Marks by blurring the distinctive qualities of Opposer's SIGNATURE Marks.

14. Applicant's filing of Application Serial No. 77/543,998 for Applicant's QUEST SIGNATURE Mark was without license, authorization or permission from Opposer.

15. The granting of a trademark registration for Applicant's QUEST SIGNATURE Mark would violate and diminish the prior and superior rights of Opposer in Opposer's SIGNATURE Marks and would be in violation of 15 U.S.C. § 1052(d).

16. Opposer would be damaged if Application Serial No. 77/543,998 is allowed to register because Applicant will obtain statutory rights in Applicant's QUEST SIGNATURE Mark in violation and derogation of the established prior rights of Opposer in Opposer's SIGNATURE Marks.

WHEREFORE, Opposer requests that its Opposition be sustained, that Application Serial No. 77/543,998 be rejected and that the registration of Applicant's QUEST SIGNATURE Mark as a trademark to Applicant be refused, and for such other relief as may be deemed just and proper.

Respectfully submitted,

GENTEK BUILDING PRODUCTS, INC.



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(703) 836-6620

Date: April 22, 2009

Attorneys for Opposer

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing NOTICE OF OPPOSITION was served this
22nd day of April, 2009 by first-class mail, postage prepaid, on:

ALFRED R. HUPP, JR.
LATHROP & GAGE, L.C.
STE 2800
2345 GRAND BLVD
KANSAS CITY, MO 64108-2684


Mary E. Harrison
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