

ESTTA Tracking number: **ESTTA287598**

Filing date: **06/03/2009**

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	LIT Industries, Inc.		
Entity	Corporation	Citizenship	North Carolina
Address	1924 Chespark Drive Gastonia, NC 28052 UNITED STATES		

Attorney information	Adam G. Garson Lipton Weinberger & Husick 201 N. Jackson St. Media, PA 19003 UNITED STATES agarson@lwh-law.com Phone:(610) 565-7630		
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**Applicant Information**

Application No	77664944	Publication date	06/02/2009
Opposition Filing Date	06/03/2009	Opposition Period Ends	07/02/2009
Applicant	Transco Inc. Suite 2100 55 East Jackson Street Chicago, IL 606044166 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 017. All goods and services in the class are opposed, namely: non-metal blanket insulation used to encase vessels, generators, turbines, engines, pumps, reactors, top heads, bottom heads, fans, blowers, flanges, valves, exhausts, compressors, exchangers, headers, tanks, dryers, hoppers, pipes, T-joints, and elbows, in power generating stations, steam and gas turbines, nuclear facilities, and heat retention applications
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**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. Application No.	77699141	Application Date	03/25/2009
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	RAPIDWRAP		

Design Mark	<b>RAPIDWRAP</b>
Description of Mark	NONE
Goods/Services	Class 017. First use: First Use: 1988/02/02 First Use In Commerce: 1988/02/02 Non-metal, removable, replaceable insulation for encasing piping, valves, manways, flanges, heat exchangers, gas turbines, exhaust systems, steam turbines, vessel heads, pumps, strainers, expansion joints, compressors, inspection ports, plastic extruders, diesel generator exhaust, piping, tanks, vessels strainers, regulators, steam traps, engines, reactors, fans, blowers, headers, dryers, hoppers, and heat generating equipment

Attachments	77699141#TMSN.jpeg ( 1 page )( bytes ) Notice of Opposition.pdf ( 4 pages )(79306 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	/Adam G. Garson/
Name	Adam G. Garson
Date	06/03/2009

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

LIT Industries, Inc.	)	
	)	Serial No: 77-664,944
Opposer,	)	Filed: 02/06/2009
	)	Mark: RAPIDRAP
v.	)	Published in the OG: 06/02/2009
	)	
Advanced Thermal Corporation	)	Opposition No. _____
	)	
Applicant.	)	
	)	

**NOTICE OF OPPOSITION**

LIT Industries, Inc. a corporation organized and existing under the laws of the state of North Carolina, having its principal place of business at 1924 Chespark Drive, Gastonia, NC 28052 (“Opposer”) believes it will be damaged by registration of the trademark RAPIDRAP, Application Serial No. 77-664,944, by Advanced Thermal Corporation (“Applicant”), and hereby opposes such registration upon the following grounds:

1. Opposer, since February 1988, has been, and is now, using the trademark RAPIDWRAP in connection with “non-metal, removable, replaceable insulation for encasing piping, valves, manways, flanges, heat exchangers, gas turbines, exhaust systems, steam turbines, vessel heads, pumps, strainers, expansion joints, compressors, inspection ports, plastic extruders, diesel generator exhaust, piping, tanks, vessels strainers, regulators, steam traps, engines, reactors, fans, blowers, headers, dryers, hoppers, and heat generating equipment.”

2. Opposer’s use of RAPIDWRAP has been continuous since February 1988 and has not been abandoned.

3. Opposer's trademark is symbolic of extensive good will and consumer recognition created by Opposer through substantial amounts of time and effort in advertising and promotion.

4. By virtue of extensive use in commerce of the trademark RAPIDWRAP in the United States, the relevant trade and public have come to associate goods and service bearing the RAPIDWRAP mark with Opposer.

5. Application for registration of Opposer's mark is now pending before the United States Patent and Trademark Office, serial number 77699141.

6. Applicant is seeking a Section 1(b) registration of RAPIDRAP for use in connection with "non-metal blanket insulation used to encase vessels, generators, turbines, engines, pumps, reactors, top heads, bottom heads, fans, blowers, flanges, valves, exhausts, compressors, exchangers, headers, tanks, dryers, hoppers, pipes, t-joints, and elbows, in power generating stations, steam and gas turbines, nuclear facilities, and heat retention applications."

7. As of the date of its application, Applicant was not using RAPIDRAP and has only stated a bona fide intention to use it.

8. The two marks, RAPIDWRAP and RAPIDRAP, are nearly identical and both parties' applications identify substantially similar goods and uses.

9. Under these circumstances, the likelihood of confusion is high. Section 2(d) of the Trademark Act plainly provides that no mark shall be registered that "[c]onsists of or comprises a mark which so resembles a mark registered in the Patent and Trademark Office, *or a mark or trade name previously used in the United States by another and not abandoned*, as to be likely, when used on or in connection with the goods of the applicant, to cause confusion, or to cause mistake, or to deceive...." 15 U.S.C.A. § 1052(d) (emphasis added).

10. If registered, Applicants mark will damage Opposer by creating confusion in the market place and by diluting twenty-one years of accumulated good will.

WHEREFORE, Opposer respectfully requests that Applicant's registration for the word mark RAPIDRAP be rejected in whole, that no registration be issued thereon to Applicant, and that this opposition be sustained in favor of Opposer.

Respectfully submitted,

/Adam G. Garson/

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Attorney for Opposer  
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**CERTIFICATE OF SERVICE**

I hereby certify that a true and complete copy of the foregoing Notice of Opposition has been served on Applicant's counsel by mailing said copy on June 3, 2009 via First Class Mail, postage prepaid to:

Bryan P. Sugar  
Ungaretti & Harris LLP  
70 West Madison Street, Suite 3500  
Chicago, IL 60602

/Adam G. Garson/

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Adam G. Garson