

ESTTA Tracking number: **ESTTA315886**

Filing date: **11/09/2009**

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	Georgia-Pacific Wood Products LLC
Granted to Date of previous extension	11/22/2009
Address	133 Peachtree St, NE Atlanta, GA 30303 UNITED STATES
Correspondence information	Christine M. Cason Senior Trademark Counsel 133 Peachtree St, NE Atlanta, GA 30303 UNITED STATES cmcason@gapac.com, slwilson@gapac.com, bfedwar@gapac.com Phone:404-652-5704

**Applicant Information**

Application No	77351315	Publication date	05/26/2009
Opposition Filing Date	11/09/2009	Opposition Period Ends	11/22/2009
Applicant	FUTURE PIPE INDUSTRIES LIMITED P.O. Box 115093 Ramool Industrial Zone, Rashidiya DUBAI, UNITED ARAB EMIRATES		

**Goods/Services Affected by Opposition**

Class 017. First Use: 1997/12/31 First Use In Commerce: 1997/12/31 All goods and services in the class are opposed, namely: NON-METALLIC FLEXIBLE PIPES USED FOR WATER, SEWAGE, OIL, AND GAS INDUSTRIAL APPLICATIONS
Class 019. First Use: 1997/12/31 First Use In Commerce: 1997/12/31 All goods and services in the class are opposed, namely: RIGID PIPES, NOT OF METAL, USED FOR WATER, SEWAGE, OIL, AND GAS INDUSTRIAL APPLICATIONS; NON-METAL, NON-FLEXIBLE SEWER PIPES FOR INDUSTRIAL APPLICATIONS; NON-METAL, NON-FLEXIBLE WATER PIPES FOR INDUSTRIAL APPLICATIONS

**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.	2003047	Application Date	10/10/1995
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Registration Date	09/24/1996	Foreign Priority Date	NONE
Word Mark	FIBERSTRONG		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 019. First use: First Use: 1995/09/01 First Use In Commerce: 1995/09/01 engineered lumber		

Attachments	Fiberstrong.pdf ( 5 pages )(228542 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	/Christine M. Cason/
Name	Christine M. Cason
Date	11/09/2009

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

GEORGIA-PACIFIC WOOD PRODUCTS  
LLC,

Opposer,

v.

FUTURE PIPE INDUSTRIES LIMITED

Applicant.

Opposition No. \_\_\_\_\_

Trademark: Fiberstrong

Application Serial Number:  
77/351,315 (Classes 17 and 19)

NOTICE OF OPPOSITION

Opposer Georgia-Pacific Wood Products LLC (“Opposer”), will be harmed and damaged by registration of the mark FIBERSTRONG that is the subject of Application Serial No. 77/351,315 (“Applicant’s Mark”) filed by Future Pipe Industries Limited (“Applicant”), and opposes the same pursuant to 15 U.S.C. § 1063 and 1052(d), and 37 C.F.R. §§ 2.101 and 2.104(a). As grounds for opposition, Opposer alleges as follows:

1. Opposer is a Delaware Limited Liability Company having its principal place of business at 133 Peachtree Street, N.E., Atlanta, Georgia 30303.
2. Opposer is one of the world’s leading manufacturers and marketers of building products sold worldwide within the construction and related industries.
3. Since at least as early as September 1, 1995, Opposer has continuously and exclusively used the FIBERSTRONG mark in connection with engineered lumber.

4. Opposer owns a federal registration for the FIBERSTRONG mark for “engineered lumber” in International Class 19 as shown in Registration Number 2,003,047.

5. The FIBERSTRONG Mark is valid and subsisting and has been used continuously by Opposer since September 1, 1995 as set forth in the referenced registration, and it has not been abandoned.

6. Opposer has developed a substantial amount of goodwill in the FIBERSTRONG Mark. This mark is well-known and respected by customers and consumers and represent Opposer’s commitment to providing them with high-quality goods.

7. By virtue of Opposer’s widespread sales and advertising, the FIBERSTRONG Mark has acquired a high degree of distinctiveness and serve to identify Opposer, to distinguish Opposer and its goods from the goods of others, and to distinguish the source or origin of Opposer’s goods. As a result of Opposer’s efforts, relevant customers and consumers throughout the United States widely recognize and associate the FIBERSTRONG Mark with Opposer and its goods.

8. Applicant only recently applied to federally register Applicant’s Mark for “non-metallic flexible pipes used for water, sewage, oil, and gas industrial applications” in International Class 17 and “rigid pipes, not of metal, used for water, sewage, oil, and gas industrial applications; non-metal, non-flexible sewer pipes for industrial applications; non-metal, non-flexible water pipes for industrial applications” in International Class 19 on December 13, 2007. Applicant’s Mark was published for opposition on May 26, 2009.

9. On June 16, 2009, Opposer timely filed a request for an extension of time to oppose Applicant’s Mark. On September 16, 2009, Opposer timely filed a second request for an

extension of time to oppose Applicant's Mark with Applicant's consent. The Board granted both requests, which extended the period for opposing Applicant's Mark to November 22, 2009.

10. Opposer's rights in Opposer's FIBERSTRONG Mark is superior to any rights Applicant may have or claim. Opposer has used Opposer's FIBERSTRONG Mark more than two (2) years prior to the December 31, 1997 first use date for Applicant's Mark.

11. Registration of Applicant's Mark is barred by the provisions of Section 2(d) of the Trademark Act of 1946 because Applicant's Mark substantially incorporates, consists of or comprises a mark, for similar goods, which so resembles and means the same thing as Opposer's FIBERSTRONG Mark previously used and registered by Opposer and not abandoned, as to be likely, when used on or in connection with Applicant's goods, to cause confusion, to cause mistake, or to deceive.

12. Registration of Applicant's Mark is barred by the provisions of Section 43(c) of the Trademark Act of 1946 because Applicant's Mark will dilute Opposer's FIBERSTRONG Mark by eroding consumers' exclusive identification of Opposer's FIBERSTRONG Mark with Opposer, tarnishing and degrading the positive associations and prestigious connotations of Opposer's FIBERSTRONG Mark, and otherwise lessening the capacity of the Opposer's FIBERSTRONG Mark to identify and distinguish Opposer's goods.

13. Registration of Applicant's Mark will injure Opposer because Applicant's Mark, so resembles Opposer's FIBERSTRONG Mark as to create confusion, mistake and/or deception. Persons familiar with Opposer's FIBERSTRONG Mark are likely to believe erroneously that Applicant's goods are offered by Opposer or are authorized, licensed, endorsed, or sponsored by Opposer, and registration of Applicant's mark would be inconsistent with Opposer's rights in Opposer's FIBERSTRONG Mark. Registration of Applicant's Mark will also injure Opposer

because Applicant's Mark is likely to dilute the distinctiveness of Opposer's FIBERSTRONG Mark.

WHEREFORE, Opposer believes it will be damaged by registration of Applicant's Mark and requests that the Trademark Trial and Appeal Board sustain Opposer's opposition in favor of Opposer and refuse registration of Application Serial No. 77/351,315.

This Notice of Opposition is being filed electronically, along with the filing fee required by 37 C.F.R. § 2.6(a)(17).

Respectfully submitted,

Georgia-Pacific Wood Products LLC

Date: November 9, 2009



Emily K. Boss

Christine M. Cason

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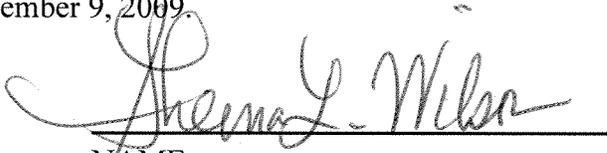
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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Notice of Opposition was served upon Applicant's counsel of record, Mohammad S. Rahman, Esq., at Rahman LLC, 10025 Gov. Warfield Parkway, Suite 110, Columbia, MD 21044, by regular first-class U.S. mail, postage prepaid, on November 9, 2009.

A handwritten signature in cursive script, appearing to read "Sherma L. Wilson", is written over a horizontal line.

NAME