

ESTTA Tracking number: **ESTTA345073**

Filing date: **04/30/2010**

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	1047406 Ontario Ltd.		
Entity	Corporation	Citizenship	Ontario
Address	340 Sovereign Road London, ON N6M 1A8 CANADA		

Attorney information	Robert W. Sacoff Pattishall, McAuliffe, Newbury, Hilliard & Geraldson LLP 311 South Wacker Drive, Suite 5000 Suite 5000 Chicago, IL 60606 UNITED STATES rws@pattishall.com, ijb@pattishall.com Phone:(312) 554-8000
----------------------	--

Applicant Information

Application No	77861438	Publication date	04/06/2010
Opposition Filing Date	04/30/2010	Opposition Period Ends	05/06/2010
Applicant	UVCleaning Systems, Inc. 15250 NW Greenbrier Parkway Beaverton, OR 97006 UNITED STATES		

Goods/Services Affected by Opposition

Class 011. All goods and services in the class are opposed, namely: Waste water purification units; Water purification and filtration apparatus; Water purification units
--

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
--------------------------------------	----------------------------

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	2062935	Application Date	03/21/1996
Registration Date	05/20/1997	Foreign Priority Date	NONE
Word Mark	PURIFICS		
Design Mark			
Description of Mark	NONE		

Goods/Services	Class 040. First use: First Use: 1993/12/00 First Use In Commerce: 1993/12/00 environmental remediation services, namely, soil, waste and water treatment services and air purification services
----------------	--

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	PURIFICS		
Goods/Services	waste water purification units, water purification and filtration apparatus, and water purification units		

Attachments	001 -- Notice of Opposition against PURALYTICS (Ser. No. 77861438).pdf (5 pages)(192934 bytes) 002 -- Exhibit A Page.pdf (1 page)(4327 bytes) 003 -- PURIFICS (Reg. No. 2,062,935) (TESS).pdf (2 pages)(176309 bytes) 004 -- Exhibit B Page.pdf (1 page)(6271 bytes) 005 -- purifics.com Homepage.pdf (3 pages)(153349 bytes) 006 -- Purifics Technology 1.pdf (1 page)(292229 bytes) 007 -- Purifics Technology (Photo Cat Water Purification).pdf (3 pages)(259869 bytes) 008 -- Purificis Water Purification (4,000 gal per day).pdf (1 page)(76731 bytes) 009 -- Purificis Water Purification (0.5-1 MGD).pdf (1 page)(79125 bytes) 010 -- Purificis Water Purification (2 MGD).pdf (1 page)(79016 bytes) 011 -- Purificis Water Purification (5-50 kW).pdf (1 page)(69242 bytes) 012 -- Purificis Water Purification (10-100 kW).pdf (1 page)(67996 bytes) 013 -- Purificis Water Purification (0-330 kW).pdf (1 page)(71317 bytes) 014 -- Purifics Technology (Aggregate Industry).pdf (3 pages)(327111 bytes)
-------------	---

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	/Ian Block/
Name	Ian J. Block
Date	04/30/2010

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

In the Matter of Application Serial No. 77/861,438: PURALYTICS

Published in the *Official Gazette* of April 6, 2010, in International Class 11

1047406 ONTARIO LTD. and)	
PURIFICS ES, INC.,)	
)	
Opposers,)	
)	
v.)	Opposition. No. _____
)	
UVCLEANING SYSTEMS, INC.,)	
)	
Applicant.)	

NOTICE OF OPPOSITION

1047406 Ontario Ltd., an Ontario corporation located and doing business at 340 Sovereign Road, London, Ontario N6M1AB, Canada, and its wholly-owned subsidiary Purifics ES, Inc., an Ontario corporation located and doing business at 340 Sovereign Road, London, Ontario N6M1AB, Canada (collectively, "Opposers"), believe they would be damaged by registration of the mark shown in Application Serial No. 77/861,438, and hereby oppose the same.

The grounds for opposition are as follows:

1. Opposers are engaged in the manufacture and sale of environmental remediation products and services in the fields of soil, waste, and water treatment and air purification.
2. In December 1993, Opposers began to use the mark PURIFICS for the products and services described above, including waste water purification units, water purification and filtration apparatus, and water purification units, and have continuously and extensively used said mark in commerce for these goods and services since the aforesaid date of first use.

3. Opposer 1047406 Ontario Ltd. owns Registration No. 2,062,935 for the mark PURIFICS for "environmental remediation services, namely, soil, waste and water treatment services and air purification services," issued by the United States Patent and Trademark Office on May 20, 1997. Opposers' exclusive right to use this mark for the services recited in the registration is incontestable in accordance with Section 15 of the Trademark Act, 15 U.S.C. §§ 1065, 1115(b). A current printout of information from the electronic database records of the United States Patent and Trademark Office showing the current status and title of the registration is attached as **Exhibit A**.

4. Opposers also have used and are using in commerce the PURIFICS mark for waste water purification units, water purification and filtration apparatus, and water purification units. Printouts of Opposers' website showing their use of the PURIFICS mark on such goods are attached as **Exhibit B**.

5. Opposers have used and continue to use PURIFICS as a trade name. Opposer 1047406 Ontario Ltd. was incorporated under the name Purifics Environmental Technologies, Inc. in 1993. In a 2003 corporate reorganization, Purifics Environmental Technologies, Inc. became a holding company and Opposer Purifics ES, Inc. became the operating company. Purifics ES, Inc. is and has been a wholly-owned subsidiary of, and a related company to, 1047406 Ontario Ltd. Purifics ES, Inc. operates under the PURIFICS trade name, selling its goods and services under the PURIFICS name and mark throughout the United States. Opposer 1047406 Ontario Ltd. owns the PURIFICS mark, and Purifics ES, Inc's use of said mark inures to 1047406's benefit.

6. Opposers have spent significant sums advertising and promoting their goods and services in the remediation, industrial, and municipal markets under their PURIFICS mark in commerce throughout the United States.

7. Since long prior to October 30, 2009, the date UVCleaning Systems, Inc. ("Applicant") filed its intent-to-use application for PURALYTICS, Opposers have built up and now own a most valuable goodwill in their aforesaid PURIFICS mark.

8. On October 30, 2009, Applicant applied to register PURALYTICS for "waste water purification units; water purification and filtration apparatus; water purification units," under Serial No. 77/861,438, on an intent-to-use basis.

9. Upon information and belief, neither Applicant nor any predecessor or related company of Applicant can claim rights in and to the PURALYTICS mark that predate Opposers' rights as alleged herein.

10. Applicant's use of and application to register the PURALYTICS mark are without Opposers' consent.

11. Opposers offer water treatment and purification goods and services under the PURIFICS mark based upon a titanium dioxide photocatalysis process, whereby water is purified by being run through catalyst slurry. Upon information and belief, Applicant offers or intends to offer water purification under the PURALYTICS mark based upon a similar photocatalysis process, whereby the catalyst is applied to a fixed plate.

12. Applicant's use of the PURALYTICS mark for goods Opposers sell and directly related to the services for which Opposers have registered the PURIFICS mark is likely to result in confusion, mistake, or deception with Opposers' PURIFICS mark, or in the belief that

Applicant or Applicant's goods are in some way legitimately connected with, licensed, or approved by Opposers in violation of Section 2(d) of the Trademark Act, 15 U.S.C. § 1052(d).

13. Applicant's registration of the above mark would be damaging to Opposers.

WHEREFORE, Opposer respectfully requests that its opposition be sustained and registration of Application Serial No. 77/861,438 be refused.

Opposers herein submit the requisite filing fee of \$300. Please debit any deficiency or credit any overpayment to Account No. 16-0650. Please address all correspondence to Robert W. Sacoff, Pattishall, McAuliffe, Newbury, Hilliard & Geraldson LLP, 311 South Wacker Drive, Suite 5000, Chicago, Illinois 60606.

PATTISHALL, McAULIFFE, NEWBURY,
HILLIARD & GERALDSON LLP

Dated: April 30, 2010

By: 
Robert W. Sacoff
Ian J. Block
311 South Wacker Drive
Suite 5000
Chicago, Illinois 60606
(312) 554-8000

*Attorneys for Opposers 1047406 Ontario Ltd.
and Purifics ES, Inc.*

CERTIFICATE OF SERVICE

I, Ian J. Block, an attorney for Opposer, hereby certify that a copy of the foregoing **NOTICE OF OPPOSITION** was served upon Applicant's counsel of record, David P. Petersen, Klarquist Sparkman, LLP, 121 SW Salmon St., Ste. 1600, Portland, Oregon 97204-2988, by first-class mail, on this 30th day of April, 2010 postage prepaid.



EXHIBIT A

**United States Patent and Trademark Office**

Home | Site Index | Search | FAQ | Glossary | Guides | Contacts | eBusiness | eBiz alerts | News | Help

Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Fri Apr 30 04:02:05 EDT 2010

[TESS HOME](#)
[NEW USER](#)
[STRUCTURED](#)
[FREE FORM](#)
[BROWSE DICT](#)
[SEARCH OG](#)
[BOTTOM](#)
[HELP](#)
[Logout](#) Please logout when you are done to release system resources allocated for you.
Record 1 out of 1
[TARR Status](#)
[ASSIGN Status](#)
[TDR](#)
[TTAB Status](#)
(Use the "Back" button of the Internet Browser to return to TESS)
Typed Drawing

Word Mark	PURIFICS
Goods and Services	IC 040. US 100 103 106. G & S: environmental remediation services, namely, soil, waste and water treatment services and air purification services. FIRST USE: 19931200. FIRST USE IN COMMERCE: 19931200
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	75076222
Filing Date	March 21, 1996
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	February 25, 1997
Registration Number	2062935
Registration Date	May 20, 1997
Owner	(REGISTRANT) Purifics Environmental Technologies, Inc. CORPORATION CANADA 340 Sovereign Road London, Ontario, N6M1A8 CANADA (LAST LISTED OWNER) 1047406 ONTARIO LTD. CORPORATION CANADA 340 SOVEREIGN ROAD LONDON, ONTARIO CANADA N6M1AB
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	Robert W. Sacoff
Type of Mark	SERVICE MARK
Register	PRINCIPAL
Affidavit Text	SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20070611.
Renewal	1ST RENEWAL 20070611
Live/Dead Indicator	LIVE

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSE DICT](#) [SEARCH OG](#) [TOP](#) [HELP](#)

[|.HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)

EXHIBIT B



[Contact Us](#)

[Overview](#)

[Company
Profile](#)

[Mission](#)

[Careers](#)

Unique Technology Solutions

- ... to purify, condition and control water & air
- ... with significant economic & environmental advantages
- ... that eliminate risk
- ... reduce legacy waste & operator exposures
- ... minimize regulatory issues

Success & Competencies

... a track record of solving challenges where others have failed,

by applying expertise through integration of our core Engineering competencies:

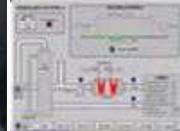
- Environmental Systems
- Expert Systems
- Energy Systems



Premier Dalton McGuinty recognizes Earth Day at Purifics.
April 22, 2010

Fields of Application

- Municipal
- Industrial
- Remedial



MEDIA CENTRE

WHAT'S NEW

[Join us at ACE10
June 20-23
Chicago, IL](#)

[Green Drinking
Water Production:
Chemical Free,
Waste Free, Grid
Neutral, Zero
Direct Operating
Cost & Carbon
Footprint](#)

[Join us at AZ
Water 83rd
Conference &
Exhibition
May 5-7
Glendale, AZ](#)

[Join us at
CONRAD
April 21-22
Edmonton, AB](#)

[Join us at
Texas Water 2010
April 13-16
Corpus Christi,
TX](#)

[PCB Destruction
in Municipal
Waste Water](#)

[ASR Disinfection](#)



[Photo-Cat
NSF 61 Certified](#)

[New Technology
Innovation
Announcement](#)



[Study of](#)

[Innovative
Treatments for
Reclaimed Water
Carollo-Purifics](#)

[Media Releases](#)

Copyright © 2010 Purifics ES Inc.



Water & Air Purification

Since 1993

[Home](#)

[Municipal](#)

[Industrial](#)

[Technology](#)

[Expertise](#)

[Solutions](#)

[Contact Us](#)

Technology Overview

[Overview](#)

Photo-Cat Water Purification

[Photo-Cat Purification](#)

[Ceramic Membrane Systems](#)

[OILS - Inline Separation](#)

[PET - VOC Extraction & Recovery](#)



Photo-Cat *Water Purification*

Destroys or removes chemicals, biologicals and particulate in water.

[Learn more >>](#)



Ceramic Membrane Systems

With no consumables.

[Learn more>>](#)



OILS for Oil Inline Separation

Separates non-aqueous phase liquids (NAPL) from water.

[Learn more>>](#)



PET: VOC Extraction & Recovery

Recovers VOC's and SVOC's in air and VOC's in water.

[Learn more>>](#)





[Contact Us](#)

Photo-Cat

[Overview](#)

Photo-Cat purifies water of chemicals, biologicals and certain metals to very high standards of purity.

[Photo-Cat Purification](#)

Photo-Cat systems will treat water with a wide range of organics and concentrations, suspended oil, turbidity, high levels of total dissolved solids, and metals. These systems are fully automated, and DO NOT require chemical oxidants.

[Ceramic Membrane Systems](#)

[OILS - Inline Separation](#)

[PET -VOC Extraction & Recovery](#)



Features & Benefits

- No peroxide or ozone
- Efficient
- Low lifecycle cost
- Reduced risk
- Pump controls
- Supports sustainable development
- System sizes range from 1 L/day (1 gal/day) to 120 MLD (30 MGD)
- Low cost solution development
- Fully automated
- No operator required
- Remote monitoring & control
- No waste generated
- Up to 24,000 hour lamp life



Municipal Models

Lab

0.5 MGD

Multi-MGD



Industrial Models

DL: 5-50kW

DDL: 10-100kW

DQL: 0-330kW



Specifications

Photo-Cat is produced to meet the specifications of a variety of clients in remediation, industrial, nuclear, military, pharmaceutical, potable, metals removal, process and laboratory applications.

These specifications can include NSF certification, food grade construction, pressure vessel certification, leak proof designs, customer specific materials of construction, specific instrumentation, performance factors, durability, and wash-down capability.

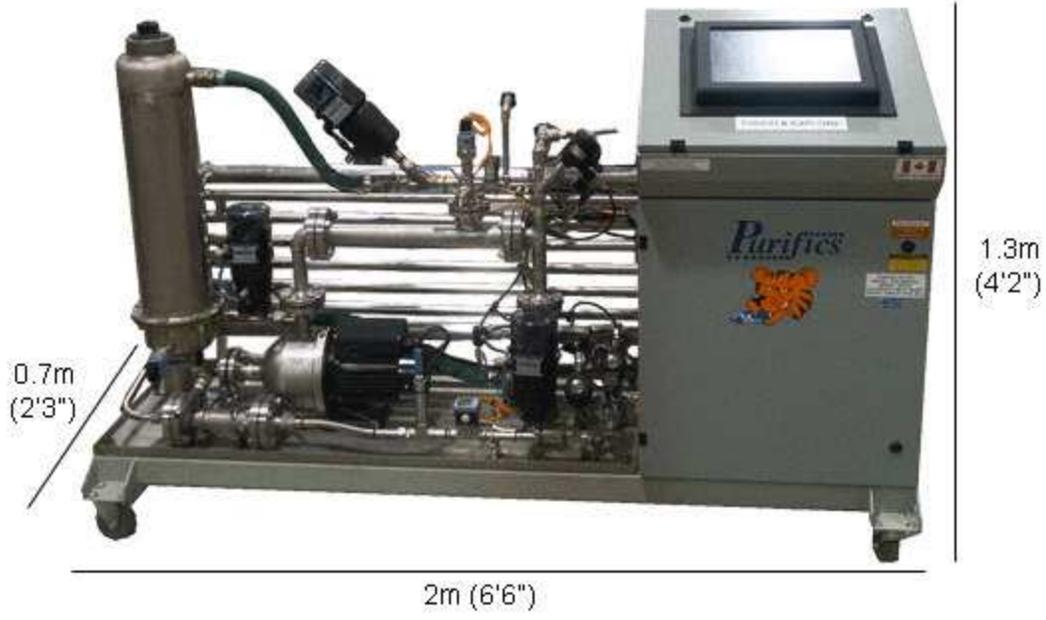
Case Histories

[Top](#)

For a detailed technical briefing or case histories related to your application, [Contact Us.](#)

Copyright © 2010 Purifics ES Inc.

4,000 gal/day



0.25 - 1 MGD



2 MGD



5-50 kW



1m (3'3")

3.7m (12')

2m
(7')

10-100 kW



0-330 kW





[Contact Us](#)[Overview](#)[Photo-Cat
Purification](#)[Ceramic
Membrane
Systems](#)[OILS -
Inline
Separation](#)[PET -VOC
Extraction &
Recovery](#)

Ceramic Membrane Systems

A Leap Beyond the Conventional

Applications:

- Removal of micron and submicron particles with no consumables
- Dewatering
- Boiler feedwater preparation
- Polish iron/manganese/silica from drinking water
- High ppm iron removal
- TOC reduction
- Remove Giardia, Cryptosporidium & Oocysts
- Contaminant removal from water
- High Purity Water
- H₂O₂ Removal

Aggregate Industry



Features & Benefits

- 5-10psi Operating Pressure Differential
- Fully Automated
- Robust: Not Vulnerable to Fatigue Failure or Abrasion
- No Cleaning - No Chemicals - No Replacement
- Designed to Meet Boiler Pressure Vessel Code (150psi rating)
- Low Lifecycle Cost
- Essentially 100% duty

Case Histories

[Top](#)

Innovative Uses:

- Photocatalysis (AOP)
- Emerging Contaminant Destruction
- Elimination of bio-fouling without disinfectant
- Dynamic Membranes
- Replacement of hydrogen peroxide in AOP processes
- No cleaning requirement or chemicals
- Continuous duty & no service requirement

For a detailed technical briefing or case histories related to your application,
[Contact Us.](#)

Copyright © 2010 Purifics ES Inc.