



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

TTAB

SOLVAY S.A.)
)
Opposer,)
)
v.)
)
EASTMAN CHEMICAL COMPANY)
)
Applicant.)
)

Opposition No. _____
Application Serial No. 77/924,132

Attorney's Reference: 32232-290881

NOTICE OF OPPOSITION

In the matter of the application for registration of the trademark ASPIRA filed by Eastman Chemical Company ("Applicant"), as shown in Application Serial No. 77/924,132 published for opposition in the *Official Gazette* of June 15, 2010.

Solvay S.A. ("Opposer"), a Belgian corporation with its address at 33 rue du Prince Albert, Brussels, B-1050, Belgium believes that it will be damaged by registration of the mark shown in said Application Serial No.77/924,132, and hereby opposes the same.

As grounds for opposition it is alleged that: 09/23/2010 SMILSON1 00000001 220261 77924132
01 FC:6402 300.00 DA

1. Opposer, itself and through its subsidiaries, is now, and for many years has been, engaged in the business of manufacturing and marketing, among other things, unprocessed artificial resins, unprocessed plastics, unprocessed mixed plastic, semi-worked synthetic plastic and synthetic resins as semi-finished products in form of pellets, rods, foils, foams, fibres, films and sheets; semi-finished elements made from plastic material and synthetic resins, in the form of foils, bars, blocks, pellets, sheets, tubes, profiles and plates, for use in manufacturing. Opposer has used the trademark AVASPIRE in connection with such goods.

09-20-2010

2. Opposer is the owner of U.S. Trademark Registration No. 3,307,549 issued October 9, 2007 with a priority date of March 2, 2006, for the mark AVASPIRE covering the following goods:

Class 1: Industrial chemicals; unprocessed artificial resins for general industrial use and manufacturing; unprocessed plastics for use in industry; unprocessed mixed plastic for the production of molded, laminated or extruded articles

Class 17: Semi-worked synthetic plastic and synthetic resins as semi-finished products in form of pellets, rods, foils, foams, fibres, films and sheets; semi-finished elements made from plastic material and synthetic resins, in the form of foils, bars, blocks, pellets, sheets, tubes, profiles and plates, for use in manufacturing

3. The applicant has not used the trademark ASPIRA in the United States on or in connection with the goods listed in its application.
4. Applicant did not use the trademark ASPIRA in the United States for the goods described in its application prior to October 9, 2007.
5. Applicant did not use the trademark ASPIRA in the United States for the goods described in its application prior to March 2, 2006.
6. Opposer has used the term AVASPIRE as a trademark since prior to any use of the mark ASPIRA that may be alleged or relied upon by applicant.
7. The goods for which applicant seeks to register the mark ASPIRA are related to goods offered by Opposer under its mark AVASPIRE.
8. The goods for which applicant seeks to register the mark ASPIRA are related to goods listed in Opposer's Registration No. 3,307,549.
9. The trademark ASPIRA sought to be registered by the applicant is confusingly similar to opposer's trademark AVASPIRE.

10. Consumers are likely to be confused and to mistakenly believe that applicant's products offered under its ASPIRA mark either are opposer's products or that they emanate from or are licensed by, sponsored by, or associated with opposer, or that they incorporate opposer's products.
11. If the applicant were permitted to use and register its mark for its goods as specified in its application, confusion among consumers resulting in damage and injury to opposer would be caused by virtue of the similarity between applicant's trademark and opposer's trademark, and the related nature of the goods covered by those marks. Any defect, objection or fault found with applicant's goods would reflect upon, seriously injure, and dilute the reputation and value that opposer has established under its trademark and trade name.

WHEREFORE, Opposer prays that Application Serial No. 77/924,132 be rejected, that no registration be issued thereon to applicant, and that this opposition be sustained in favor of the Opposer.

This Notice of Opposition is submitted together with the statutory filing fee of \$300.00 (Class 1). Should any additional fee be required, please charge the same to our Account No. 22-0261 and notify the undersigned accordingly.

Opposer appoints Mark B. Harrison, Rebecca Liebowitz, and Jacqueline Patt, along with the law firm of Venable LLP, P.O. Box 34385, Washington, D.C. 20043-9998 to transact all business on its behalf in connection with this Opposition.

Respectfully submitted,

Date: September 20, 2010

By: 

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing **NOTICE OF OPPOSITION** was served by U.S. Mail, first class, postage prepaid, on this 20th day of September, 2010 on the Applicant at the address listed in the current U.S. Trademark Office Records as follows:

Elizabeth Twomey, Esq.
Senior Counsel
Eastman Chemical Company
200 S Wilcox Dr
Kingsport, TN 37660-5147



Mark Harrison