

ESTTA Tracking number: **ESTTA374273**

Filing date: **10/20/2010**

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	EcoWater Systems LLC
Granted to Date of previous extension	10/20/2010
Address	1890 Woodlane Drive Woodbury, MN 55125 UNITED STATES

Attorney information	Amy Ziegler DLA Piper LLP (US) P.O. Box 64807 Chicago, IL 60664-0807 UNITED STATES ch.tm@dlapiper.com, nicole.chaudhari@dlapiper.com, amy.ziegler@dlapiper.com Phone:312-368-4000
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Applicant Information

Application No	77932628	Publication date	06/22/2010
Opposition Filing Date	10/20/2010	Opposition Period Ends	10/20/2010
Applicant	Ryland Taniguchi 1521 NW 54th St #302 Seattle, WA 98107 UNITED STATES		

Goods/Services Affected by Opposition

<p>Class 011. All goods and services in the class are opposed, namely: Environmental control apparatus, namely, particle activators for use in soil remediation, drinking water treatment, municipal and industrial wastewater treatment; Septic tanks; Sewage disposal plants; Sewage purification apparatus; Sewage purification installations; Sewage treatment plants; Sustainable onsite water recycling and wastewater treatment systems; Thickening and dewatering machines for use in treatment of liquids including water, industrial effluent and sewage; Waste water purification units; Water conditioning units; Water coolers; Water cooling towers; Water desalination plants; Water filtering devices, namely, water purification installations for waste water and sewage consisting of curtains and textile fabrics; Water purification and filtration apparatus; Water purification machines; Water purification tanks; Water purification units; Water purification, sedimentation and filtration apparatus for clarification, thickening and filtration of water, waste water and industrial water; Water purifiers; Water purifying apparatus; Water treatment apparatus, namely, clarification and thickening machines for use in treatment of liquids in the nature of water, waste water and industrial water; Water treatment equipment, namely, ultraviolet sterilization units</p>
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Applicant Information

Application No	77932658	Publication date	06/22/2010
Opposition Filing Date	10/20/2010	Opposition Period Ends	
Applicant	Ryland Taniguchi 1521 NW 54th St #302 Seattle, WA 98107 UNITED STATES		

Goods/Services Affected by Opposition

Class 040. All goods and services in the class are opposed, namely: Bacterial removal treatment of Bioremediation; Batch biological treatment services; Biological petroleum treatment services; Biological waste water treatment services; Continuous biological water treatment services; Conversion of targeted substrates into targeted chemical preparation by treatment with enzyme systems; Environmental remediation services, namely, soil treatment services; Environmental remediation services, namely, soil, waste and/or water treatment services; Fuel treatment services; Material treatment services in connection with recycling; Metal treatment; Nuclear waste treatment; Oil and gas well treatment; Oil well prospecting, namely, perforation and spill treatment; Providing material treatment information; Sustainable on-site water recycling and wastewater treatment services; Treatment of crystalline materials using a quantum field accelerator/generator; Treatment of materials by laser beam; Treatment of materials using a quantum field accelerator/generator; Treatment of materials, namely, the addition of polymer additives, radio opacifiers, and antimicrobial agents to materials to render them ecogenic, radiopaque, or bacteriostatic; Treatment of waste water; Treatment of water used in nuclear reactors; Waste treatment; Waste water reprocessing; Waste water treatment services; Waste water treatment services for industrial purposes; Water demineralization; Water filtration and conditioning services; Water recycling and desalination services; Water treating; Water treatment and purification; Water treatment services

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	1812032	Application Date	04/15/1993
Registration Date	12/21/1993	Foreign Priority Date	NONE
Word Mark	ECOSYSTEM		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 011. First use: First Use: 1991/11/26 First Use In Commerce: 1991/11/26 water treatment equipment; namely, water softeners and conditioners, water filters, reverse osmosis systems and distillers for domestic and commercial use Class 037. First use: First Use: 1991/10/31 First Use In Commerce: 1991/10/31 repair and maintenance of water treatment equipment		

U.S. Registration No.	1555661	Application Date	05/23/1988
Registration Date	09/12/1989	Foreign Priority Date	NONE

Word Mark	ECOWATER
Design Mark	
Description of Mark	NONE
Goods/Services	Class 011. First use: First Use: 1988/02/25 First Use In Commerce: 1988/02/25 WATER TREATMENT EQUIPMENT AND PARTS THEREOF, NAMELY - RESIDENTIAL WATER CONDITIONERS, DOMESTIC REVERSE OSMOSIS WATER PURIFIERS, AND FILTERS, ION EXCHANGERS AND DEGASIFIERS FOR TREATING LIQUIDS

U.S. Registration No.	2145816	Application Date	08/22/1996
Registration Date	03/24/1998	Foreign Priority Date	NONE
Word Mark	ECOWATER		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 032. First use: First Use: 1996/03/01 First Use In Commerce: 1996/03/01 bottled drinking water Class 035. First use: First Use: 1996/03/01 First Use In Commerce: 1996/03/01 distributorships in the field of bottled drinking water		

U.S. Registration No.	1771860	Application Date	02/28/1992
Registration Date	05/18/1993	Foreign Priority Date	NONE
Word Mark	ECOWATER SYSTEMS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 037. First use: First Use: 1988/02/25 First Use In Commerce: 1988/02/25 repair and maintenance services in the field of domestic and commercial water treatment equipment; namely, water conditioners, softeners, deionizers, distillers, filters, and related water treatment units		

U.S. Registration No.	1613312	Application Date	09/26/1988
Registration Date	09/11/1990	Foreign Priority Date	NONE
Word Mark	ECOWATER SYSTEMS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 1988/02/25 First Use In Commerce: 1988/02/25 RETAIL OUTLET SERVICES AND RENTAL SERVICES IN THE FIELD OF DOMESTIC AND COMMERCIAL WATER CONDITIONERS AND PURIFIERS		

U.S. Registration No.	2279118	Application Date	05/28/1998
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Registration Date	09/21/1999	Foreign Priority Date	NONE
Word Mark	ECOWATER DRINKING WATER		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 032. First use: First Use: 1996/03/01 First Use In Commerce: 1996/03/01 BOTTLED DRINKING WATER Class 035. First use: First Use: 1996/03/01 First Use In Commerce: 1996/03/01 RETAIL DISTRIBUTORSHIPS FEATURING DOMESTIC AND COMMERCIAL WATER CONDITIONERS AND PURIFIERS, AND BOTTLED DRINKING WATER		

U.S. Registration No.	1710954	Application Date	05/14/1990
Registration Date	09/01/1992	Foreign Priority Date	NONE
Word Mark	ECOSORB		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 001. First use: First Use: 1982/01/26 First Use In Commerce: 1982/01/26 precoat filter materials consisting of powdered activated carbon, ion exchange resin and fibrous material, for use in industrial water and waste water treatment		

U.S. Registration No.	1585509	Application Date	07/31/1989
Registration Date	03/06/1990	Foreign Priority Date	NONE
Word Mark	ECO PURE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 011. First use: First Use: 1989/05/24 First Use In Commerce: 1989/05/24 WATER PURIFICATION AND FILTRATION UNITS FOR DOMESTIC AND COMMERCIAL USE		

U.S. Registration No.	3268985	Application Date	09/09/2003
Registration Date	07/24/2007	Foreign Priority Date	NONE

Word Mark	ECOPURE
Design Mark	
Description of Mark	NONE
Goods/Services	Class 011. First use: First Use: 2006/11/27 First Use In Commerce: 2006/11/27 Water filters and distilling units

U.S. Registration No.	1071709	Application Date	10/12/1976
Registration Date	08/23/1977	Foreign Priority Date	NONE
Word Mark	ECODEX		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 001. First use: First Use: 1976/08/00 First Use In Commerce: 1976/08/00 FILTERING MATERIAL FOR REMOVAL OF DISSOLVED/SUSPENDED SOLIDS		

U.S. Registration No.	1071708	Application Date	10/12/1976
Registration Date	08/23/1977	Foreign Priority Date	NONE
Word Mark	ECOCOTE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 001. First use: First Use: 1976/08/00 First Use In Commerce: 1976/08/00 FILTERING MATERIAL FOR REMOVAL OF DISSOLVED/SUSPENDED SOLIDS		

U.S. Registration No.	929556	Application Date	11/19/1969
Registration Date	02/22/1972	Foreign Priority Date	NONE
Word Mark	ECODYNE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class U031 (International Class 011). First use: First Use: 1969/10/00 First Use In Commerce: 1969/10/00 FILTERS [, ION EXCHANGERS, AND DEGASIFIERS FOR TREATING LIQUIDS AND PARTS THEREOF]		

U.S. Registration No.	2366092	Application Date	03/25/1999
Registration Date	07/11/2000	Foreign Priority Date	NONE
Word Mark	ECOWATER SQUAD		
Design Mark	ECOWATER SQUAD		
Description of Mark	NONE		
Goods/Services	<p>Class 037. First use: First Use: 1997/03/01 First Use In Commerce: 1997/03/01 Installation, cleaning, maintenance and repair of water treatment and conditioning equipment</p> <p>Class 039. First use: First Use: 1997/03/01 First Use In Commerce: 1997/03/01 Delivery services in the field of water treatment and conditioning equipment and bottled water by land</p> <p>Class 042. First use: First Use: 1997/03/01 First Use In Commerce: 1997/03/01 Rental of water treatment and conditioning equipment; testing, analysis, and evaluation of water quality; and consultation and rendering advice in the field of water treatment and conditioning equipment for home and commercial applications</p>		

U.S. Registration No.	1585510	Application Date	07/31/1989
Registration Date	03/06/1990	Foreign Priority Date	NONE
Word Mark	ECO CLEAR		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 011. First use: First Use: 1989/05/24 First Use In Commerce: 1989/05/24 WATER PURIFICATION AND FILTRATION UNITS FOR DOMESTIC AND COMMERCIAL USE		

U.S. Registration No.	2133091	Application Date	11/07/1995
Registration Date	01/27/1998	Foreign Priority Date	NONE
Word Mark	ECOGUARD		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 001. First use: First Use: 1996/01/25 First Use In Commerce: 1996/01/25 chemical preparations in the nature of filtering material for removal of dissolved/suspended solids		

Attachments	75492829#TMSN.gif (1 page)(bytes) 78297793#TMSN.jpeg (1 page)(bytes) 75668082#TMSN.gif (1 page)(bytes) Notice of Opposition.pdf (8 pages)(1375659 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	/Amy Ziegler/
Name	Amy Ziegler
Date	10/20/2010

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

In re: Serial No. 77/932,628
Mark: ECOSEWAGE
Published: June 22, 2010

In re: Serial No. 77/932,658
Mark: ECOSWEET
Published: June 22, 2010

ECOWATER SYSTEMS LLC,)	
)	
Opposer,)	
)	Opposition No.:
v.)	
)	Marks: ECOSEWAGE and
)	ECOSWEET
RYLAND TANIGUCHI,)	
)	
Applicant.)	

NOTICE OF OPPOSITION

U.S. Patent and Trademark Office
P.O. Box 1451
Alexandria, VA 22313-1451

ECOWATER SYSTEMS LLC, a Delaware limited liability company located at 1890 Woodlane Drive, Woodbury, Minnesota 55125 (hereinafter, the “Opposer”), believes that it would be damaged by registration of the marks shown in Application Serial No. 77/932,628 (“the ‘628 Application”) and Application Serial No. 77/932,658 (“the ‘658 Application”), filed on February 10, 2010, by Ryland Taniguchi (hereinafter “Applicant”) and published in the Official Gazette of the United States Patent and Trademark Office on June 22, 2010, and hereby opposes the registration of such marks. The time to oppose was extended by timely requests for extension of time to file this opposition against both marks on behalf of Opposer.

The grounds for the opposition are as follows:

1. Opposer develops and manufactures residential and commercial water treatment and filtration equipment and provides installation, cleaning, repair and rental services related to said water treatment and filtration equipment, among other products and services.

2. Since well before the filing date of the '628 and '658 Applications, Opposer has continuously used the marks ECOSYSTEM, ECOWATER, ECOWATER SYSTEMS, ECOWATER DRINKING WATER & Design, ECOWATER SQUAD, ECO PURE, ECO PURE & Design, ECOGUARD, ECO CLEAR, ECOSORB, ECODEX, ECOCOTE and ECODYNE ("Opposer's Marks") in interstate commerce in connection with its water treatment and filtration equipment and services, among other products and services.

3. When used in connection with Opposer's goods and services, Opposer's Marks are inherently distinctive.

4. Moreover, Opposer is the owner of numerous United States Trademark Registrations for Opposer's Marks and variations thereof, including but not limited to the following:

Mark	Reg. No.	Goods	Appl. Date	Reg. Date
ECOSYSTEM	1812032	Water treatment equipment; namely, water softeners and conditioners, water filters, reverse osmosis systems and distillers for domestic and commercial use; repair and maintenance of water treatment equipment	4/15/1993	12/21/1993
ECOWATER	1555661	Water treatment equipment and parts thereof, namely - residential water conditioners, domestic reverse osmosis water purifiers, and filters, ion exchangers and degasifiers for treating liquids	5/23/1988	9/12/1989
ECOWATER	2145816	Bottled drinking water;	8/22/1996	3/24/1998

Notice of Opposition

Appln. Ser. Nos. 77/932,628 and 77/932,658

Page 3 of 8

		distributorships in the field of bottled drinking water		
ECOWATER SYSTEMS	1771860	Repair and maintenance services in the field of domestic and commercial water treatment equipment; namely, water conditioners, softeners, deionizers, distillers, filters, and related water treatment units	2/28/1992	5/18/1993
ECOWATER SYSTEMS	1613312	Retail outlet services and rental services in the field of domestic and commercial water conditioners and purifiers	9/26/1988	9/11/1990
ECOWATER DRINKING WATER & Design	2279118	Bottled drinking water; retail distributorships featuring domestic and commercial water conditioners and purifiers, and bottled drinking water	5/28/1998	9/21/1999
ECOSORB	1710954	Precoat filter materials consisting of powdered activated carbon, ion exchange resin and fibrous material, for use in industrial water and waste water treatment	5/14/1990	9/1/1992
ECO PURE	1585509	Water purification and filtration units for domestic and commercial use	7/31/1989	3/6/1990
ECOPURE & Design	3268985	Water filters and distilling units	9/9/2003	7/24/2007
ECODEX	1071709	Filtering material for removal of dissolved/suspended solids	10/12/1976	8/23/1977
ECOCOTE	1071708	Filtering material for removal of dissolved/suspended solids	10/12/1976	8/23/1977
ECODYNE	929556	Filters	11/19/1969	2/22/1972
ECOWATER SQUAD	2366092	Installation, cleaning, maintenance and repair of water treatment and conditioning equipment; delivery services in the field of water treatment and conditioning equipment and bottled water by land; rental of water treatment and conditioning equipment; testing, analysis, and evaluation of water quality; and consultation and rendering advice in the field of water treatment and conditioning equipment for home and commercial applications	3/25/1999	7/11/2000
ECO CLEAR	1585510	Water purification and filtration units for domestic and commercial use	7/31/1989	3/6/1990
ECOGUARD	2133091	Chemical preparations in the nature of filtering material for removal of dissolved/suspended solids	11/7/1995	1/27/1998

5. All of Opposer's foregoing registrations for Opposer's Marks are valid and subsisting, and many are incontestable pursuant to 15 U.S.C. § 1065.

6. Opposer has used and is using Opposer's Marks in interstate commerce in connection with the goods and services described in Opposer's Registrations.

7. Applicant filed the '628 Application on February 10, 2010, and this application is currently based on an alleged intent to use the ECOSEWAGE mark in connection with "environmental control apparatus, namely, particle activators for use in soil remediation, drinking water treatment, municipal and industrial wastewater treatment; septic tanks; sewage disposal plants; sewage purification apparatus; sewage purification installations; sewage treatment plants; sustainable onsite water recycling and wastewater treatment systems; thickening and dewatering machines for use in treatment of liquids including water, industrial effluent and sewage; waste water purification units; water conditioning units; water coolers; water cooling towers; water desalination plants; water filtering devices, namely, water purification installations for waste water and sewage consisting of curtains and textile fabrics; water purification and filtration apparatus; water purification machines; water purification tanks; water purification units; water purification, sedimentation and filtration apparatus for clarification, thickening and filtration of water, waste water and industrial water; water purifiers; water purifying apparatus; water treatment apparatus, namely, clarification and thickening machines for use in treatment of liquids in the nature of water, waste water and industrial water; water treatment equipment, namely, ultraviolet sterilization units" in International Class 11.

8. Applicant filed the '658 Application on February 10, 2010, and this application is currently based on an alleged intent to use the ECOSWEET mark in connection with "bacterial removal treatment of bioremediation; batch biological treatment services; biological petroleum treatment services; biological waste water treatment services; continuous biological water treatment services; conversion of targeted substrates into targeted chemical preparation by treatment with enzyme systems; environmental remediation services, namely, soil treatment services; environmental remediation services, namely, soil, waste and/or water treatment services; fuel treatment services; material treatment services in connection with recycling; metal treatment; nuclear waste treatment; oil and gas well treatment; oil well prospecting, namely, perforation and spill treatment; providing material treatment information; sustainable on-site water recycling and wastewater treatment services; treatment of crystalline materials using a quantum field accelerator/generator; treatment of materials by laser beam; treatment of materials using a quantum field accelerator/generator; treatment of materials, namely, the addition of polymer additives, radio opacifiers, and antimicrobial agents to materials to render them ecogenic, radiopaque, or bacteriostatic; treatment of waste water; treatment of water used in nuclear reactors; waste treatment; waste water reprocessing; waste water treatment services; waste water treatment services for industrial purposes; water demineralization; water filtration and conditioning services; water recycling and desalination services; water treating; water treatment and purification; water treatment services" in International Class 40.

9. Opposer's use and registration of Opposer's Marks long pre-date the filing date of the '628 and '658 Applications.

10. The grant of registrations to Applicant for the ECOSEWAGE and ECOSWEET marks as sought in the '628 and '658 Applications should be denied on the grounds of Opposer's prior use and registration of Opposer's Marks. The marks sought to be registered by Applicant are confusingly similar to Opposer's Marks, and the use of the ECOSEWAGE and ECOSWEET marks by Applicant is likely to cause confusion or mistake in the minds of the public and to lead the public and prospective purchasers to believe that Applicant's goods are those of Opposer or are endorsed, sponsored or otherwise affiliated or connected with Opposer, or that Opposer's goods and services are associated with Applicant, all to the damage and injury of the purchasing public and to the damage and injury of Opposer.

11. The grant of registrations to Applicant for the ECOSEWAGE and ECOSWEET marks as sought in the '628 and '658 Applications should be denied based on likelihood of confusion under Section 2(d) of the Lanham Act.

WHEREFORE, Opposer files this Notice of Opposition and prays that the aforesaid applications of Ryland Taniguchi herein opposed be rejected, that no registrations be issued thereon to Applicant, and for such other and further relief as may be deemed just and proper.

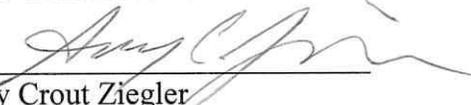
The Deposit Account No. 18-2284 will be charged the amount of \$600.00 to cover the filing fees of this notice of opposition against two applications in one class. Please charge any additional fees to Deposit Account No. 18-2284, and address all correspondence regarding this opposition to:

Amy Croup Ziegler
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nicole.chaudhari@dlapiper.com
ch.tm@dlapiper.com

Dated: October 20, 2010

Respectfully submitted,

ECOWATER SYSTEMS LLC

By: 

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Nicole Ann Chaudhari
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P.O. Box 64807
Chicago, Illinois 60664-0807
(312) 368-4000

Attorneys for Opposer

CERTIFICATE OF SERVICE

I hereby certify that a copy of this correspondence is being deposited with the United States Postal Service as First-Class Mail in an envelope addressed to the correspondent of record on October 20, 2010 at the following address:

Ryland Taniguchi
1521 NW 54th Street
Apt. 302
Seattle, WA 98107-3868



Signature

Amy Crout Ziegler

Name

October 20, 2010

Date of Signature