

ESTTA Tracking number: **ESTTA387340**

Filing date: **01/07/2011**

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	CCA Global Partners, Inc.
Granted to Date of previous extension	01/09/2011
Address	4301 Earth City Expressway Earth City, MO 63045 UNITED STATES

Attorney information	Michael R. Annis HUSCH BLACKWELL SANDERS LLP 190 CARONDELET PLAZA Suite 600 ST. LOUIS, MO 63105 UNITED STATES mike.annis@huschblackwell.com, andy.gilfoil@huschblackwell.com, jacie.steinkamp@huschblackwell.com, pto-sl@huschblackwell.com Phone:314-480-1500
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**Applicant Information**

Application No	79067104	Publication date	07/13/2010
Opposition Filing Date	01/07/2011	Opposition Period Ends	01/09/2011
International Registration No.	0998318	International Registration Date	12/03/2008
Applicant	Patenta Asia Ltd. Room 602, Taurus Building 21A/B Granville Road TST HongKong, CHINA		

**Goods/Services Affected by Opposition**

<p>Class 019. All goods and services in the class are opposed, namely: Building materials, namely, parquet flooring, parquet floor boards, non-metal floor panels, non-metal floors, non-metal window frames, non-metal door frames, non-metal cladding for construction and building, wall boards and panels not of metal, wall linings not of metal, for building, linings not of metal, for building; building materials consisting of non-metallic hybrid materials, predominantly of plastic substances; building materials consisting of non-metallic hybrid materials, predominantly of plastic substances, namely, parquet flooring, parquet floor boards, non-metal floor panels, non-metal floors, non-metal window frames, non-metal door frames, non-metal cladding for construction and building, wall boards and panels not of metal, wall linings not of metal, for building, linings not of metal, for building; veneer consisting of non-metallic hybrid materials, predominantly of plastic substances</p>
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**Grounds for Opposition**

Deceptiveness	Trademark Act section 2(a)
False suggestion of a connection	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)

### Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	3577124	Application Date	06/28/2007
Registration Date	02/17/2009	Foreign Priority Date	NONE
Word Mark	RESISTA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 027. First use: First Use: 2005/08/01 First Use In Commerce: 2005/08/01 Floor coverings, namely, carpets		

U.S. Registration No.	3614995	Application Date	06/13/2008
Registration Date	05/05/2009	Foreign Priority Date	NONE
Word Mark	RESISTA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 027. First use: First Use: 2005/08/01 First Use In Commerce: 2005/08/01 Stain repellents and fabric protectant sold as an integral component of carpets and rugs		

U.S. Registration No.	3577125	Application Date	06/28/2007
Registration Date	02/17/2009	Foreign Priority	NONE

		Date	
Word Mark	RESISTA		
Design Mark			
Description of Mark	The mark consists of Duck with droplet on back on top or "RESISTA" with large "R" and large "A".		
Goods/Services	Class 027. First use: First Use: 2005/08/01 First Use In Commerce: 2005/08/01 Floor coverings, namely, carpets		

U.S. Registration No.	3582739	Application Date	06/13/2008
Registration Date	03/03/2009	Foreign Priority Date	NONE

Word Mark	RESISTA		
Design Mark			
Description of Mark	The mark consists of a duck with a water droplet on its back on top of the word "RESISTA" with large letter "R" and large letter "A".		
Goods/Services	Class 027. First use: First Use: 2005/08/01 First Use In Commerce: 2005/08/01 Stain repellents and fabric protectant sold as an integral component of carpets and rugs		

Attachments	77217656#TMSN.jpeg ( 1 page )( bytes ) 77498323#TMSN.jpeg ( 1 page )( bytes ) 77217657#TMSN.jpeg ( 1 page )( bytes ) 77498317#TMSN.jpeg ( 1 page )( bytes ) NOO.pdf ( 6 pages )(1865477 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	/Michael R. Annis/
Name	Michael R. Annis
Date	01/07/2011

**CERTIFICATE OF MAILING VIA ELECTRONIC TRANSMISSION**

I hereby certify that this correspondence is being filed with the United States Patent and Trademark Office via the Electronic System for Trademark Trials and Appeals on January 7, 2011.

/s/ Andrew R. Gilfoil

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

Mark: RESYSTA  
U.S. Application Serial No. 79/067,104

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CCA GLOBAL PARTNERS, INC.,	)	
	)	
Opposer,	)	
	)	
v.	)	Opposition No. _____
	)	
PATENTA ASIA LTD.,	)	U.S. App. No. 79/067,104
	)	
Applicant.	)	

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**NOTICE OF OPPOSITION**  
**TO APPLICATION SERIAL NO. 79/067,104**

CCA Global Partners, Inc. (“CCA” or “Opposer”), a corporation organized and existing under the laws of the State of Delaware, and having an office and place of business at 4301 Earth City Expressway, St. Louis, Missouri 63045, is being and will be damaged by the potential registration of the mark RESYSTA, as shown at U.S. Application Serial No. 79/067,104.

As grounds for its opposition, CCA alleges:

1. Applicant Patenta Asia Ltd. (“Applicant”), in U.S. Application Serial No. 79/067,104 (the “104 Application”), applied for registration of the trademark RESYSTA on December 3, 2008, for various goods and services, including “Building materials, namely, parquet flooring, parquet floor boards, non-metal floor panels, non-metal floors, non-metal

window frames, non-metal door frames, non-metal cladding for construction and building, wall boards and panels not of metal, wall linings not of metal, for building, linings not of metal, for building; building materials consisting of non-metallic hybrid materials, predominantly of plastic substances; building materials consisting of non-metallic hybrid materials, predominantly of plastic substances, namely, parquet flooring, parquet floor boards, non-metal floor panels, non-metal floors, non-metal window frames, non-metal door frames, non-metal cladding for construction and building, wall boards and panels not of metal, wall linings not of metal, for building, linings not of metal, for building; veneer consisting of non-metallic hybrid materials, predominantly of plastic substances” in International Class 19, under Section 66(a) (the “RESYSTA Mark”). The ‘104 Application was published for opposition in the Official Gazette on July 13, 2010. Appropriate extensions of time to submit this Notice of Opposition were timely filed with the Board.

2. CCA is the owner of the mark RESISTA for various floor coverings, stain repellents and fabric protectants sold as integral components of carpets and rugs, as well as the below-noted United States Trademark registrations:

MARKS	U.S. REGISTRATION NOS.	INTERNATIONAL CLASS	GOODS AND SERVICES DESCRIPTION
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RESISTA	3,577,124	27	Floor coverings, namely carpets
RESISTA	3,614,995	27	Stain repellents and fabric protectant sold as an integral component of carpets and rugs
	3,577,125	27	Floor coverings, namely, carpets
	3,582,739	27	Stain repellents and fabric protectant sold as an integral component of carpets and rugs

3. In addition, CCA also owns certain common law rights in and to the mark RESISTA and marks related thereto. For purposes of this Notice, Opposer’s RESISTA marks, including but not limited to the above-referenced U.S. Registrations and common law rights, will be collectively referred to as the “RESISTA Marks.”

4. Since prior to Applicant’s filing date, or any potential use by Applicant of the RESYSTA Mark, Opposer is using as a cooperative organization, and has used the RESISTA

Marks through its members/licensees in commerce, on or in connection with flooring products that are similar to Applicant's goods covered by the '104 Application.

5. As a cooperative organization and through its members/licensees, CCA promotes and has promoted the RESISTA Marks in U.S. commerce as identifying Opposer's flooring products.

6. Applicant's goods are closely related to the goods used in connection with CCA's RESISTA Marks. At the very least Applicant's goods are directed to the same or related class of customers as those for CCA's goods, and/or will be sold in the same channels of trade. Accordingly, Applicant's goods are so commercially related that Applicant's RESYSTA Mark under the '104 Application and CCA's RESISTA Marks, when used in conjunction with their respective goods, are confusingly similar.

7. CCA's RESISTA Marks are inherently distinctive and well known, and are uniquely associated by consumers with CCA, in connection with CCA's goods.

8. The application for the RESYSTA Mark herein opposed so resembles CCA's RESISTA Marks as to be likely, if used in conjunction with Applicant's goods, to cause confusion, mistake, and/or to deceive customers, and Applicant's RESYSTA Mark sought under the '104 Application is confusingly and/or deceptively similar to CCA's RESISTA Marks, when used in connection with Applicant's goods.

9. Applicant's use of its RESYSTA Mark under the '104 Application, which so resembles and is colorably imitative of CCA's RESISTA Marks, is likely to cause confusion, mistake, or deception of purchasers as to an affiliation, connection, or association of Applicant with Opposer, or as to the origin, sponsorship or approval of Applicant's goods by Opposer.

WHEREFORE, Opposer CCA Global Partners, Inc. believes that it will be damaged by the registration sought by Applicant in Application No. 79/067,104, and prays that said application be refused registration. Opposer CCA requests that, if there is any insufficiency in the payment of the statutory filing fee, such amount be debited from our Deposit Account No. 11-0160.

DATED: January 7, 2011.

CCA GLOBAL PARTNERS, INC.

By: /s/ Alan S. Nemes

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