

ESTTA Tracking number: **ESTTA428744**

Filing date: **09/06/2011**

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	Doty Scientific, Inc.		
Entity	Corporation	Citizenship	South Carolina
Address	700 Clemson Road Columbia, SC 29229-4339 UNITED STATES		

Attorney information	Oppedahl Patent Law Firm LLC P O Box 5940 Dillon, CO 80435 UNITED STATES docket-oppedahl@oppedahl.com		
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Applicant Information

Application No	79068965	Publication date	09/06/2011
Opposition Filing Date	09/06/2011	Opposition Period Ends	10/06/2011
International Registration No.	1003072	International Registration Date	12/19/2008
Applicant	GAMESA INNOVATION & TECHNOLOGY, S.L. Avenida Ciudad de la Innovaci3n, 9-11 E-31621 Sarriguren (Navarra), SPAIN		

Goods/Services Affected by Opposition

Class 042. All goods and services in the class are opposed, namely: Research and development in the field of energy
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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. Application No.	77759277	Application Date	06/14/2009
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	WINDFUELS		

Design Mark	<h1>Windfuels</h1>
Description of Mark	NONE
Goods/Services	<p>Class 039. First use: Providing a web site featuring information on chemical storage of energy; Providing a web site featuring information on chemical storage of energy derived from wind power</p> <p>Class 042. First use: Providing a web site featuring information on chemical engineering; Providing a web site featuring information on chemical engineering methods for recycling of CO2 into transportation fuels</p>

Attachments	77759277#TMSN.jpeg (1 page)(bytes) Doty Scientific v. Gamesa Inovation-1.pdf (2 pages)(18660 bytes) Untitled 1.pdf (1 page)(35318 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	/s/
Name	Oppedahl Patent Law Firm LLC
Date	09/06/2011

UNITED STATES PATENT AND TRADEMARK OFFICE

Doty Scientific, Inc.

Opposer and plaintiff,

Application number 79068965

v.

Gamesa Innovation & Technology, S.L.

Applicant and defendant

NOTICE OF OPPOSITION

Now comes Opposer and plaintiff, Doty Scientific, Inc., which pleads as follows:

1. Opposer has been using the mark “Windfuels” first used in commerce at least as early as July 6, 2008, for information services for others on the internet and related services.
2. Opposer first used in commerce at least as early as May 1, 2008, and presently uses the mark “Windfuels” for the purposes of “Providing a web site featuring information on chemical storage of energy; Providing a web site featuring information on chemical storage of energy derived from wind power” and “Providing a web site featuring information on chemical engineering; Providing a web site featuring information on chemical engineering methods for recycling of CO2 into transportation fuels”
3. Opposer first used the mark to operate the web site <http://www.dotyenergy.com/> under the title “Doty Windfuels” at least as early as May 1, 2008, and presently and offers its energy information services at that web site.
4. The Opposer applied for a trademark through the United States Patent and Trademark Office on June 14, 2009; the application is presently pending and has been assigned application number 77759277.
5. The Opposer's trademark application lists services of “Providing a web site featuring information on chemical storage of energy; Providing a web site featuring information on chemical storage of energy derived from wind power” and “Providing a web site featuring information on chemical engineering; Providing a web site featuring information on chemical engineering methods for recycling of CO2 into transportation fuels”
6. The Opposer also holds Madrid Protocol registration number 1026434, registered December 14, 2009, with trademark registrations granted in Australia and Korea, pending in Japan, and under examination in China.
7. On June 25, 2009, Gamesa Innovation & Technology, S.L., (“Applicant”) filed US trademark application number 79068965 in the United States Patent and Trademark Office for the mark “Windfuel,” listing services of “Research and development in the field of energy.”
8. Upon information and belief, Applicant has not yet commenced use of the mark “Windfuel” in connection with the services of “Research and development in the field of energy.”

9. Upon information and belief, Applicant has not yet commenced use of the mark "Windfuel" in connection with any goods or services.

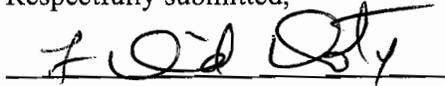
10. Upon information and belief, Applicant has not yet commenced use of the mark "Windfuel" in interstate commerce in connection with the services of "Research and development in the field of energy."

11. On September 15, 2009, the United States Patent and Trademark Office issued an Office Action refusing registration to Opposer in view of Applicant's trademark application.

12. Opposer believes it would be harmed by a grant of a trademark registration to Applicant upon US trademark application number 79068965.

13. By virtue of the foregoing, Opposer prays that this opposition be decided in favor of Opposer and against Applicant.

Respectfully submitted,



Dr. F. David Doty
Chief Executive Officer
Doty Scientific, Inc.



Date

CERTIFICATE OF SERVICE

I certify that the attached paper is being served today, September 6, 2011, by US postal service to the following address:

GAMESA INNOVATION & TECHNOLOGY, S.L.
Parque Tecnológico de Bizkaia,
edificio 100 - 1º
E-48170 Zamudio (Bizkaia)
SPAIN

/s/

Carl Oppedahl
USPTO Reg. No. 32746