

ESTTA Tracking number: **ESTTA678827**

Filing date: **06/18/2015**

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	Clariant AG		
Entity	Corporation	Citizenship	Switzerland
Address	Rothausstrasse 61 MuttENZ, CH-4132 SWITZERLAND		

Attorney information	James M. McCarthy MCDONNELL BOEHNEN HULBERT & BERGHOFF, LLP 300 South Wacker Drive CHICAGO, IL 60606 UNITED STATES mccarthy@mbhb.com, kokjohn@mbhb.com Phone:312-913-0001		
----------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--	--

### Applicant Information

Application No	86481060	Publication date	05/19/2015
Opposition Filing Date	06/18/2015	Opposition Period Ends	06/18/2015
Applicant	Clariant, LLC 3260 American Saddler Drive Park City, UT 84060 UNITED STATES		

### Goods/Services Affected by Opposition

Class 035. First Use: 0 First Use In Commerce: 0  
All goods and services in the class are opposed, namely: Providing marketing and sales strategies to business-to-business technology clients

### Applicant Information

Application No	86481064	Publication date	05/19/2015
Opposition Filing Date	06/18/2015	Opposition Period Ends	06/18/2015
Applicant	Clariant, LLC 3260 American Saddler Drive Park City, UT 84060 UNITED STATES		

### Goods/Services Affected by Opposition

Class 035. First Use: 0 First Use In Commerce: 0  
All goods and services in the class are opposed, namely: Providing marketing and sales strategies to business-to-business technology clients

## Grounds for Opposition

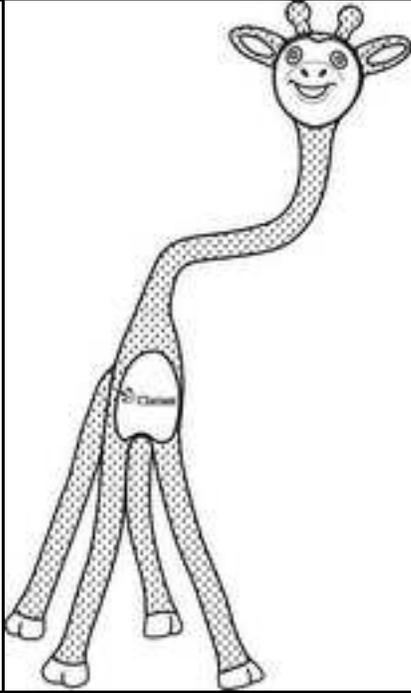
Priority and likelihood of confusion	Trademark Act section 2(d)
--------------------------------------	----------------------------

## Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	2145618	Application Date	10/20/1995
Registration Date	03/24/1998	Foreign Priority Date	05/19/1995
Word Mark	CLARIANT		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 001. First use: First Use: 0 First Use In Commerce: 0 chemicals for use in the manufacture and finishing of textiles, leather, metal, and paper; unprocessed plastic concentrates for use in the manufacture of thermoplastics containing additives and /or pigments</p> <p>Class 002. First use: First Use: 0 First Use In Commerce: 0 dyestuffs for use in the manufacture and finishing of textiles, leather, metal, and paper; color pigments; mordants for use in the textile, leather, metal, and paper industries; lacquers in the nature of a coating</p> <p>Class 003. First use: First Use: 0 First Use In Commerce: 0 all purpose industrial cleaning agents</p>		

U.S. Registration No.	2349316	Application Date	03/19/1998
Registration Date	05/16/2000	Foreign Priority Date	NONE
Word Mark	CLARIANT		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 001. First use: First Use: 1995/07/01 First Use In Commerce: 1995/07/01 Chemicals for use in the manufacture and finishing of textiles, leather, metal and paper; unprocessed plastic concentrates for use in the manufacture of thermoplastics containing additives and/or pigments</p> <p>Class 002. First use: First Use: 1995/07/01 First Use In Commerce: 1995/07/01 Dyestuffs for use in the manufacture and finishing of textiles, leather, metal, and paper; color pigments; [mordants for use in] the textile, [leather,] metal, and paper industries; lacquers in the nature of a coating</p>		

U.S. Registration No.	4029989	Application Date	09/03/2009
-----------------------	---------	------------------	------------

Registration Date	09/20/2011	Foreign Priority Date	NONE
Word Mark	CLARIANT		
Design Mark			
Description of Mark	The mark consists of the configuration of a bendable toy giraffe with a feather design and the wording "CLARIANT" on the torso of the giraffe.		
Goods/Services	Class 028. First use: First Use: 1997/08/31 First Use In Commerce: 1997/08/31 Bendable toy giraffes provided as a promotional item in connection with sale of chemicals		

U.S. Registration No.	2727105	Application Date	10/27/2000
Registration Date	06/17/2003	Foreign Priority Date	NONE
Word Mark	CLARIANT		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 001. First use: First Use: 0 First Use In Commerce: 0 PHOTOGRAPHIC CHEMICALS AND CHEMICALS FOR USE IN THE MANUFACTURE OF TEXTILES, PLASTICS, DETERGENTS, PAINTS, COATINGS, LEATHER, PAPER, AND ADHESIVES; UNPROCESSED SYNTHETIC RESINS FOR USE IN THE MANUFACTURE OF TEXTILES, PLASTICS, DETERGENTS, PAINTS, COATINGS, LEATHER, PAPER, AND ADHESIVES; UNPROCESSED PLASTICS FOR USE IN THE MANUFACTURE OF TEXTILES, PLASTICS, DETERGENTS, PAINTS COATINGS, LEATHER, PAPER, AND ADHESIVES; FIRE EXTINGUISHING COMPOSITIONS; CHEMICAL SUBSTANCES FOR THE PRESERVATION OF FOODSTUFFS, namely, BIOCIDES; TANNING AGENTS FOR USE IN THE MANUFACTURE OF LEATHER; ADHESIVES FOR USE IN THE BUILDING INDUSTRY; SYNTHETIC POLYMERS FOR USE IN ADHESIVES, COATINGS, PLASTICS, PAINT, AND COSMETICS; PHOTORESISTS FOR USE IN MICROCHIPS, LIQUID CRYSTAL DISPLAY AND ELECTRONIC COMPONENTS; DEGREASING PREPARATIONS FOR USE IN MANUFACTURING PROCESSES IN THE METAL-WORKING IN-		

DUSTRY; SOAPS FOR USE IN DETERGENTS; CHEMICAL ADDITIVES FOR USE WITH INTERNAL COMBUSTION ENGINE FUEL OILS; [ ACTIVE SUBSTANCES, NAMELY, CHEMICALS FOR USE IN THE MANUFACTURE OF PHARMACEUTICAL AND VETERINARY PREPARATIONS; INTERMEDIATES NAMELY, CHEMICAL SUBSTANCES FOR PHARMACEUTICAL AND VETERINARY PREPARATIONS;] CHEMICAL ADDITIVES FOR USE IN PERFUMERY, ETHERAL OILS, HAIR STYLING PREPARATIONS, SUN TAN GEL, SUN TAN LOTION, SUN TAN OIL, AND MAKEUP; AND SYNTHETIC RESINS FOR USE IN THE MANUFACTURE OF PLASTIC MOLDING COMPOUNDS

Class 002. First use: First Use: 0 First Use In Commerce: 0

[ PAINTS FOR USE IN INDUSTRIAL APPLICATIONS; VARNISHES; LACQUERS IN THE NATURE OF COATINGS;] COLOR PIGMENTS; COLORANTS FOR USE IN THE MANUFACTURE OF TEXTILES, PLASTICS, DETERGENTS, PAINTS, COATINGS, LEATHER, PAPER, AND ADHESIVES; DYEING AIDS FOR USE IN THE MANUFACTURE OF TEXTILES, PLASTICS, DETERGENTS, PAINTS, COATINGS, LEATHER, PAPER, AND ADHESIVES; WOOD PRESERVATIVES; NATURAL RESINS FOR USE IN THE MANUFACTURE OF TEXTILES, PLASTICS, DETERGENTS, PAINTS, COATINGS, LEATHER, PAPER, AND ADHESIVES; PAINT PRIMERS FOR PREPARING SURFACES TO BE PAINTED; METAL PROTECTION PREPARATIONS, NAMELY, ANTI-CORROSIVES FOR USE IN INDUSTRIAL APPLICATIONS; ORGANIC, INORGANIC AND SYNTHETIC DYES FOR USE IN THE MANUFACTURE OF CLOTHING, PAPER PLASTICS AND LEATHER

Class 003. First use: First Use: 0 First Use In Commerce: 0

WASH ACTIVE SUBSTANCES, namely, [ DETERGENT SOAPS,] AND BUILDERS, namely, CHEMICAL COMPOUNDS FOR REDUCING THE HARDNESS OF WATER [; HAIR BLEACHING PREPARATIONS AND LAUNDRY BLEACH; POLISHING POWDERS AND LIQUIDS FOR SEMI-CONDUCTOR WAFERS AND METALS; DEGREASING PREPARATIONS, NOT USED IN MANUFACTURING PROCESSES, FOR USE ON METALS ]

Class 004. First use: First Use: 0 First Use In Commerce: 0

INDUSTRIAL OILS AND GENERAL PURPOSE INDUSTRIAL GREASES; WAXES, namely, OLEFIN WAXES; INDUSTRIAL LUBRICANTS [; LIGHTING FUEL OIL; ] AND PARAFFINS

Class 005. First use: First Use: 0 First Use In Commerce: 0

[ ALL PURPOSE DISINFECTANTS; MEDICAL SUN-TANNING PREPARATIONS ]

Class 009. First use: First Use: 0 First Use In Commerce: 0

[ COMPUTER HARDWARE, COMPUTER SOFTWARE FOR USE IN COMMUNICATING COLOR INFORMATION IN THE FIELD OF CHEMICAL PROCESSING AND DYEING; APPARATUS FOR MANUFACTURING SEMI-CONDUCTOR WAFERS, namely, COATING, BAKING, IMAGING, DEVELOPING, ETCHING AND MEASUREMENT APPARATUS ]

Class 016. First use: First Use: 0 First Use In Commerce: 0

[ NOTE PAPER; CARDBOARD;] PRINTED MATTER, namely, BROCHURES [ AND JOURNALS] IN THE FIELD OF CHEMISTRY [ AND ENGINEERING; WRITING MATERIALS, namely, STATIONARY; ADHESIVES FOR STATIONERY OR HOUSEHOLD PURPOSES; ARTS AND CRAFTS PAINT KITS; PAINTBRUSHES; TEACHING MATERIALS, NAMELY, BOOKS IN THE FIELD OF CHEMISTRY AND ENGINEERING; CUSHIONING AND PADDING MATERIALS MADE OF PAPER FOR PACKING PURPOSES; WRITING PAPERS AND ENVELOPES; AND MODELING COMPOUNDS ]

Class 017. First use: First Use: 0 First Use In Commerce: 0

SEMI-FABRICATED MOLDED POLYMER PLASTICS, NAMELY MASTER-BATCHES; CAULKING; FILM USED IN INDUSTRIAL OR COMMERCIAL PACKING

Class 018. First use: First Use: 0 First Use In Commerce: 0

[ SPORTS BAGS; HANDBAGS; BRIEFCASES; POCKET WALLETS; WALLETS; CREDIT CARD CASES; AND UMBRELLAS ]

Class 035. First use: First Use: 0 First Use In Commerce: 0

ADVERTISING SERVICES, NAMELY, PROMOTING THE SERVICES OF DETERGENTS, [ PAINTS,] COATINGS, [ TEXTILES, PAPER, ] LEATHER, AND PLASTICS INDUSTRY THROUGH THE DISTRIBUTION OF PRINTED [ AND AUDIO] PROMOTIONAL MATERIALS AND RENDERING SALES PROMOTION ADVICE; [ BUSINESS MANAGEMENT AND CONSULTATION; BUSINESS MANAGEMENT AND CONSULTATION, NAMELY, MARKET RESEARCH AND ENVIRONMENTAL STUDIES AND TOXICOLOGICAL STUDIES; CONDUCTING BUSINESS AND MARKET RESEARCH SURVEYS; COMPUTERIZED DATABASE MANAGEMENT;] COOPERATIVE ADVERTISING AND MARKETING; AND ORGANIZATION OF FAIRS AND EXHIBITIONS FOR DETERGENTS, [ PAINTS,] COATINGS, [ TEXTILES, PAPER, ] LEATHER, AND PLASTICS INDUSTRY, [ ELECTRONIC DATA PROCESSING SERVICES;] ARRANGING AND CONDUCTING TRADE SHOWS IN THE FIELD OF CHEMISTRY [ AND ENGINEERING; AND BUSINESS ACQUISITION AND MERGER CONSULTATION ]

Class 036. First use: First Use: 0 First Use In Commerce: 0

[ FINANCIAL ANALYSIS AND CONSULTATION; FINANCIAL INVESTMENT IN THE FIELD OF CHEMICAL, PLASTICS, AND PHARMACEUTICAL INDUSTRY; AND ELECTRONIC PAYMENT, NAMELY, ELECTRONIC PROCESSING AND TRANSMISSION OF BILL PAYMENT DATA ]

Class 037. First use: First Use: 0 First Use In Commerce: 0

[ CHEMICAL, PLASTICS AND PHARMACEUTICAL INDUSTRY CONSTRUCTION SERVICES; CHEMICAL, PLASTICS, AND PHARMACEUTICAL INDUSTRY REPAIR SERVICES; PLASTICS AND PHARMACEUTICAL INDUSTRY INSTALLATION AND MAINTENANCE SERVICES; AND INSTALLATION AND MAINTENANCE SERVICES IN THE CHEMICAL INDUSTRY, namely, THE INSTALLATION AND MAINTENANCE OF INDUSTRIAL APPARATUS USED IN THE PRODUCTION OF CHEMICAL COMPOUNDS ]

Class 038. First use: First Use: 0 First Use In Commerce: 0

[ COMMUNICATION AND TELECOMMUNICATION SERVICES, namely, PROVIDING TELECONNECTIONS TO A GLOBAL COMPUTER NETWORK; PROVIDING FRAME RELAY CONNECTIVITY SERVICES FOR DATA TRANSFER; ELECTRONIC MAIL SERVICES; AND ELECTRONIC TRANSMISSION OF DATA AND DOCUMENTS VIA COMPUTER TERMINALS ]

Class 039. First use: First Use: 0 First Use In Commerce: 0

TRANSPORTATION OF GOODS BY [ BOAT, RAIL, PLANE AND] TRUCK; [ WAREHOUSE STORAGE;] AND DELIVERY OF GOODS BY [ BOAT, PLANE, TRAIN, AND] TRUCK

Class 040. First use: First Use: 0 First Use In Commerce: 0

[ PRE-TREATMENT OF TEXTILES, namely, COTTON, NYLON, WOOL, SYNTHETICS, LEATHER AND PAPER FOR FINISHING; FINISHING OF TEXTILES, NAMELY, COTTON, WOOL, NYLON, SYNTHETICS, LEATHER AND PAPER; DYEING OF TEXTILES, NAMELY, COTTON, WOOL, SYNTHETICS, LEATHER AND PAPER; WASTE TREATMENT AND RECYCLING; AND TREATMENT OF WATER AND SEWAGE ]

Class 041. First use: First Use: 0 First Use In Commerce: 0

EDUCATION SERVICES, namely, CONDUCTING CONFERENCES, CLASSES, SEMINARS AND WORKSHOPS IN THE FIELD OF CHEMISTRY [ , ENGINEERING AND MARKETING ]

Class 042. First use: First Use: 0 First Use In Commerce: 0

[ COMPUTER SOFTWARE DESIGN FOR OTHERS IN THE FIELD OF DATA

	PROCESSING; CHEMISTRY CONSULTATION; TEXTILE FINISHING CONSULTATION; ENGINEERING CONSULTATION;] PLASTICS TREATMENT CONSULTATION; DEVELOPMENT OF NEW PRODUCTS FOR OTHERS [;AND LEGAL SERVICES, NAMELY, LEGAL ADVICE AND LEGAL REPRESENTATION]
--	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

U.S. Registration No.	3699020	Application Date	04/24/2007
Registration Date	10/20/2009	Foreign Priority Date	11/08/2006

Word Mark	CLARIANT
-----------	----------



Description of Mark	The mark consists of a feather design and the wording "CLARIANT".
---------------------	-------------------------------------------------------------------

Goods/Services	<p>Class 001. First use: First Use: 0 First Use In Commerce: 0  Chemicals used in industry, science and photography; chemical preparations for use in agriculture, horticulture and forestry, namely, chemicals for use in pesticides, herbicides, and insecticides; unprocessed artificial resins, unprocessed plastics, chemical agents for use in fire-extinguishing compositions; flame retarding compositions; metal tempering and soldering preparations; chemical substances for preserving foodstuffs; antioxidants for use in industry, in particular, chemical agents capable of slowing or preventing the oxidation in food and industrial products; tanning substances, namely, tanning agents for use in the textile, leather and paper industry, namely, for manufacturing of textiles, leather and paper; adhesives for industrial use; chemical agents for preserving bricks, cement, concrete and masonry, excluding paints and oils used for coating; chemical agents for use in brake fluids; chemical additives for fuel treatment; anti-freeze; chemical agents for anti-freeze preparations for use on roads and other surfaces exposed to ambient air; chemical preparations for the manufacture of pigments; grease-removing preparations for use in manufacturing processes; organic-bleaching chemicals</p> <p>Class 002. First use: First Use: 0 First Use In Commerce: 0  Colors, namely, colorants for use in the manufacture of industrial products paints, varnishes and lacquers, anti-graffiti coatings; wood coatings for use as a preservative coating; pigments and pigmented preparations for use in the manufacture of industrial products; colorants for use in the manufacture of various industrial articles; dyestuffs; printing inks; colorants for photocopier toner; colorants for use in the manufacture of food, beverages and cosmetics; anti-tarnishing preparations for coating metals; corrosion inhibitors in the nature of a coating; mordants for use in the wood and metal industry; unprocessed natural resins for use in the manufacture of textiles, plastics, detergents, paints, coatings, leather, paper, and adhesives; protective agents for metals, namely, anti-corrosives coatings for use in industrial applications; synthetic and natural oxides used as colorants; metals in foil and powder form for painters, decorators, printers and artists; textile dyes</p> <p>Class 003. First use: First Use: 0 First Use In Commerce: 0  Active washing preparations for industrial and commercial laundry and dish detergents; bleaching preparations; cleaning and polishing preparations, scouring liquids and abrasive liquid preparations; abrasive made of corundum, and</p>
----------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

soaps, all intended for industrial technical use; paint, color and colorant removing preparations for use in the textile, plastic, detergent, paint, coating, leather, paper and adhesive industry

Class 017. First use: First Use: 0 First Use In Commerce: 0

Masterbatches, namely, semi-processed plastics incorporating colorants and/or additives, in the form of plastic granules and plastic pellets, fibres and films; plastics in the form of rods, sheets, granulate and pellets for use in manufacturing operations; joint packing non-permanent adhesive putty; artificial and synthetic resins as semi-finished products in the form of pellets, rods, foils and granules

Class 035. First use: First Use: 0 First Use In Commerce: 0

Advertising services, namely, promoting the services of detergents, paints, coatings, textiles, paper, leather and plastics industry through the distribution of printed and audio promotional materials and rendering sales promotion advice; computerized database management; cooperative advertising and marketing; organization of fairs and exhibitions for detergents, paints, coatings, textiles, paper, leather and plastics industry, namely, trade shows and business exhibitions, electronic data processing services; arranging and conducting trade shows in the field of chemistry and engineering

Class 038. First use: First Use: 0 First Use In Commerce: 0

Communication and telecommunications services, namely, providing teleconnections, namely, telecommunications connections to a global computer network; providing frame relay connectivity services for data transfer; data transfer services by telecommunications; telephone communications services, remote data access services, namely, provision of access to data stored electronically in central files for remote consultation; computer-assisted reception and transfer of documents and images, namely, transfer of data by telecommunications; data transfer messaging, namely, electronic message transmission; provision of telecommunication connections to a global computer network; data collection, supply and transfer, namely, transmission of data and documents via computer terminals; provision of access to data banks; provision of access to electronic shops, namely, provision of access to electronic sites; provision of electronic mail services, namely, electronic mail; provision of chat rooms for the transfer of information among users online; services relating to inter-computer communication, to electronic messages and electronic purchases, namely, the electronic transfer of data and information relating to sales, namely, electronic funds transfer; providing electronic processing of electronic funds transfer, Automated Clearing House, credit card, debit card, electronic check and electronic payments; services in connection with transmission of data bank information, namely, the transfer of specific data on goods and of data on orders, production and transport relating to the commercial use of chemical pigment and colorant preparations and of other preparations

Class 040. First use: First Use: 0 First Use In Commerce: 0

Consulting services relating to materials processing, namely, pre-treatment, finishing and dyeing of textiles, namely, cotton, wool, nylon, synthetics, leather and paper dyeing services; waste-water treatment services

Class 042. First use: First Use: 0 First Use In Commerce: 0

Design and development of computer programs; consultancy relating to computer software; installation, integration into computer systems and networks, and maintenance of computer programs; services in the field of technology and relevant development services, namely, scientific research and development; industrial analyses, namely, in the field of colorants for plastics and textiles, namely, chemical analysis; chemist services, chemical engineer services, chemical laboratory services; technical consultation in the area of chemistry and chemical engineering, namely, consultancy relating to the implementation of production processes in technical installations; consultancy in the area of chemistry and chemical processing techniques, namely, in the area of color analysis, color

	<p>coordination and standardization; scientific consultancy and research services relating to the industrial use of chemicals, paints, dyestuffs, pigments and colorants</p> <p>Class 045. First use: First Use: 0 First Use In Commerce: 0</p> <p>Issuing of computer software licenses; issuing of licenses for commercial protective rights</p>
--	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

U.S. Registration No.	4437889	Application Date	05/11/2012
-----------------------	---------	------------------	------------

Registration Date	11/26/2013	Foreign Priority Date	01/12/2012
-------------------	------------	-----------------------	------------

Word Mark	CLARIANT C
-----------	------------



Description of Mark	The mark consists of the wording "CLARIANT" and a raised stylized representation of the letter "C".
---------------------	-----------------------------------------------------------------------------------------------------

Goods/Services	<p>Class 001. First use: First Use: 0 First Use In Commerce: 0</p> <p>Chemicals used in industry, science and photography, as well as in agriculture, horticulture and forestry, namely, chemical preparations for use and filtering media for use in oil processing and adsorption of liquid and solid impurities, chemical additives for oil well drilling fluid, chemicals for adsorbing oil and ethylene, desiccants and dehumidifying agents used in packaging to prevent corrosion, mold and other detrimental effects of moisture and humidity, and chemicals for use in the manufacture of plastics, biofuels, and biogas renewable energy; unprocessed artificial resins, unprocessed plastics; fertilizers; fire extinguishing compositions; tempering and soldering preparations; chemical substances for preserving foodstuffs; tanning substances for use in the tanning of leather; adhesives for industrial purposes</p> <p>Class 002. First use: First Use: 0 First Use In Commerce: 0</p> <p>Paints, varnishes, lacquers; rust preservatives in the nature of a coating; wood preservatives; colorants; mordant dyes; raw natural resins; metals in foil and powder form for painters, decorators, printers and artists</p> <p>Class 003. First use: First Use: 0 First Use In Commerce: 0</p> <p>Bleaching preparations for laundry use; Substances for laundry use, namely, fabric softeners, powder detergent and laundry starch; cleaning, polishing, and scouring preparations; degreasing preparations for household use; soap; perfumery, essential oils, cosmetics, hair lotions; dentifrices</p> <p>Class 004. First use: First Use: 0 First Use In Commerce: 0</p> <p>Industrial oils and greases; industrial lubricants; dust absorbing and binding compositions; fuels; candles and wicks for lighting</p> <p>Class 005. First use: First Use: 0 First Use In Commerce: 0</p> <p>food for babies; dietary supplements for humans and animals; disinfectants for sanitary purposes; pesticides for killing vermin; fungicides, herbicides</p> <p>Class 007. First use: First Use: 0 First Use In Commerce: 0</p> <p>Catalytic converters</p> <p>Class 009. First use: First Use: 0 First Use In Commerce: 0</p> <p>Scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signaling, checking, supervision, life-saving and teaching apparatus and instruments, namely, computers, cameras and optical lenses; apparatus</p>
----------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity, namely, electrical switches, electrical cables, transformers, capacitors, and regulators; apparatus for recording, transmission or reproduction of sound or images; blank magnetic data carriers, mechanisms for coin-operated apparatus; cash registers, calculating machines, data processing equipment and computers; fire-extinguishing apparatus

Class 016. First use: First Use: 0 First Use In Commerce: 0

Paper and cardboard; goods made from paper and cardboard, namely, humidity control sheets for packaging; bookbinding material; photographs; stationery; adhesive glues for stationery or household purposes; artists' materials, namely, modeling clay, colored pencils and markers; paintbrushes; typewriters and office requisites in the nature of rubber bands, staplers, paper clips and desk sets; plastic materials for packaging, namely, plastic bags and bubble packs for wrapping or packaging; printing type; printing blocks

Class 017. First use: First Use: 0 First Use In Commerce: 0

Rubber, gutta-percha, asbestos and mica; plastics in extruded form for use in manufacture; packing, and insulating materials; flexible pipes not of metal

Class 018. First use: First Use: 0 First Use In Commerce: 0

Leather and imitations of leather; animal skins; trunks and travelling bags; umbrellas, parasols; walking sticks; whips, harness and saddlery

Class 019. First use: First Use: 0 First Use In Commerce: 0

Non-metallic building materials, namely, building glass, timber, gypsum, and concrete walls; rigid pipes, not of metal, for building; asphalt, pitch and bitumen; transportable buildings not of metal; monuments, not of metal

Class 031. First use: First Use: 0 First Use In Commerce: 0

Agricultural, horticultural and forestry products and grains, not included in other classes, namely, additives for animal feed; live animals; fresh fruits and vegetables; seeds for agricultural purposes flower seeds; natural plants and flowers; foodstuffs for animals; malt for brewing and distilling

Class 035. First use: First Use: 0 First Use In Commerce: 0

Advertising, business management, business administration, and office functions in the field of chemistry and chemical engineering

Class 036. First use: First Use: 0 First Use In Commerce: 0

Insurance underwriting for all types of insurance; health insurance underwriting; financial consultation; financial investment brokerage; monetary exchange; real estate brokerage

Class 037. First use: First Use: 0 First Use In Commerce: 0

Construction and repair of automobiles, televisions, and cameras; installation of computer hardware, refrigerators, washers, and dryers

Class 038. First use: First Use: 0 First Use In Commerce: 0

Telecommunications, namely, providing telecommunications connections to a global computer network

Class 039. First use: First Use: 0 First Use In Commerce: 0

Transport of goods by boat, train, truck, and air; packaging articles for transportation; storage of goods; arranging of tours

Class 040. First use: First Use: 0 First Use In Commerce: 0

Treatment of materials services in connection with recycling

Class 041. First use: First Use: 0 First Use In Commerce: 0

Educational services, namely, conducting classes, seminars and workshops in the field of chemistry and chemical engineering, excluding medical education; organizing community sporting and cultural events

Class 042. First use: First Use: 0 First Use In Commerce: 0

Scientific research; industrial analysis and research services in the field of fuel

	preparation and renewable raw materials; design and development of computers and software Class 045. First use: First Use: 0 First Use In Commerce: 0 Legal services; detective agencies; babysitting; escort services; mediation; marriage agencies, dating services; horoscope casting; undertaking; cremation; religious services, namely, organization of prayer meetings; clothing rental
--	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Attachments	75453120#TMSN.png( bytes ) 77819518#TMSN.png( bytes ) 79043328#TMSN.png( bytes ) 79116283#TMSN.png( bytes ) Notice of Opposition v. CLARIANT.pdf(181215 bytes ) Notice of Opposition v. CLARIANT APPROACH.pdf(181971 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	/James M. McCarthy/
Name	James M. McCarthy
Date	06/18/2015

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

In the Matter of Application Serial No. 86/481,060  
Published on May 19, 2015

CLARIANT AG,	)	
	)	
Opposer,	)	
	)	
v.	)	Opposition No.
	)	
CLARIANT, LLC,	)	
	)	
Applicant.	)	
	)	

**NOTICE OF OPPOSITION**

Opposer Clariant AG, a corporation organized and existing under the laws of Switzerland and having a principal place of business in Muttenz, Switzerland (“Opposer”) believes that it will be damaged by registration of the mark CLARIANT, published in the Official Gazette on May 19, 2015, for use in connection with “providing marketing and sales strategies to business-to-business technology clients” in International Class 35 and hereby opposes same. As grounds for the opposition it is alleged that:

1. Clariant AG is a worldwide leader in the business of manufacturing and providing specialty chemicals to a variety of industries.
2. Clariant AG does business in the United States through its affiliate, Clariant Corporation, a corporation organized and existing under the laws of the state of New York and having a principal place of business in Charlotte, North Carolina.

3. Opposer is the owner of the following six U.S. trademark registrations for the mark CLARIANT (individually and collectively referred to herein as the “CLARIANT Trademarks.”), all of which were registered well before Applicant’s filing date:

Trademark	Registration Number	Registration Date	Int’l Classes	Status
CLARIANT	2145618	March 24, 1998	1, 2, 3	Incontestable, Renewed
 Clariant	2349316	May 16, 2000	1, 2	Incontestable, Renewed
	4029989	Sept. 20, 2011	28	Registered
CLARIANT	2727105	June 17, 2003	1, 2, 3, 4, 16, 17, 35, 39, 41, 42	Incontestable, Renewed
 Clariant	3699020	Oct. 20, 2009	1, 2, 3, 17, 35, 38, 40, 42, 45	Registered
<b>CLARIANT</b> 	4437889	Nov. 26, 2013	1, 2, 3, 4, 5, 7, 9, 16, 17, 18, 19, 31, 35, 36, 37, 38, 39, 40, 41, 42, 45	Registered

4. As part of its efforts to manufacture and sell specialty chemicals, Opposer uses the CLARIANT Trademarks in connection with a variety of business and business related services.

5. For this reason, Opposer maintains U.S. Trademark registrations for the CLARIANT Trademarks in connection with “advertising, business management, business administration, and office functions in the field of chemistry and chemical

engineering” (Registration No. 4437889), “advertising services, namely . . . sales promotion advice” (Registration Nos. 3699020 and 2727105), “consulting services” (Registration No. 3699020), “conducting business and market research studies” (Registration No. 2727105), and “plastics treatment consultation; development of new products for others (Registration No. 2727105).

6. Opposer has invested a considerable amount of time, money, and effort in promoting its CLARIANT Trademarks throughout the United States.

7. As a result of Opposer’s extensive promotional, advertising, and sales activities directed to its CLARIANT Trademarks, the consuming public and trade have come to recognize and do recognize the CLARIANT Trademarks as being used by Opposer or a single source, and to associate and identify said mark and name with Opposer, or with a single source, and Opposer derives substantial goodwill and value from such identification by the consuming public and trade.

#### **GROUND I – LIKELIHOOD OF CONFUSION**

8. Opposer incorporates by reference the allegations of Paragraphs 1 through 7 as if fully set forth herein.

9. By the application herein opposed, Applicant seeks to register the mark CLARIANT on the Principal Register of the United States Patent and Trademark Office in connection with “providing marketing and sales strategies to business-to-business technology clients” in International Class 35.

10. Applicant’s CLARIANT mark is confusingly similar and substantially identical to Opposer’s CLARIANT Trademarks.

11. The services identified in Applicant’s application are substantially similar

to and overlap with Opposer's services which are covered by Opposer's registrations for the CLARIANT Trademarks.

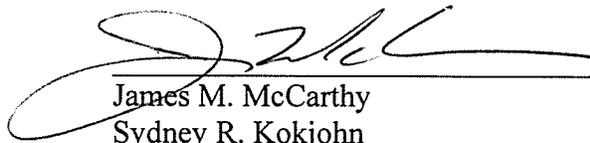
12. Applicant's mark opposed herein is likely to cause confusion and mistake and to deceive, with consequent injury to Opposer, the consuming public and the trade.

13. Opposer will be damaged by the registration sought by Applicant because such registration will support and assist Applicant in the confusing and misleading use of Applicant's mark sought to be registered, and will give color and exclusive right to Applicant in violation and derogation of prior and superior rights of Opposer.

WHEREFORE, Opposer believes it will be damaged by registration of Applicant's mark and prays that it will not be allowed.

Respectfully submitted,

Date: June 18, 2015



James M. McCarthy  
Sydney R. Kokjohn  
**McDonnell Boehnen Hulbert & Berghoff, LLP**  
300 South Wacker Drive, Suite 3200  
Chicago, Illinois 60606  
(312) 913-0001

Counsel for Opposer,  
Clariant AG

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on June 18, 2015, a copy of the foregoing was served by first class mail, with confirmation copy by email, on the following attorneys of record:

David J. Byer  
*setrademarks@klgates.com*  
K&L Gates LLP  
925 4<sup>th</sup> Ave. Suite 2900  
Seattle, Washington 98104-1158

Nate Garhart  
*nate@cobaltlaw.com*  
Cobalt LLP  
918 Parker Street, Building A21  
Berkeley, CA 94710



James M. McCarthy  
Sydney R. Kokjohn  
**McDonnell Boehnen Hulbert & Berghoff, LLP**  
300 South Wacker Drive, Suite 3200  
Chicago, Illinois 60606  
(312) 913-0001

Counsel for Opposer,  
Clariant AG

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

In the Matter of Application Serial No. 86/481,064  
Published on May 19, 2015

CLARIANT AG,	)	
	)	
Opposer,	)	
	)	
v.	)	Opposition No.
	)	
CLARIANT, LLC,	)	
	)	
Applicant.	)	
	)	

**NOTICE OF OPPOSITION**

Opposer Clariant AG, a corporation organized and existing under the laws of Switzerland and having a principal place of business in MuttENZ, Switzerland (“Opposer”) believes that it will be damaged by registration of the mark CLARIANT APPROACH, published in the Official Gazette on May 19, 2015, for use in connection with “providing marketing and sales strategies to business-to-business technology clients” in International Class 35 and hereby opposes same. As grounds for the opposition it is alleged that:

1. Clariant AG is a worldwide leader in the business of manufacturing and providing specialty chemicals to a variety of industries.
2. Clariant AG does business in the United States through its affiliate, Clariant Corporation, a corporation organized and existing under the laws of the state of New York and having a principal place of business in Charlotte, North Carolina.

3. Opposer is the owner of the following six U.S. trademark registrations for the mark CLARIANT (individually and collectively referred to herein as the “CLARIANT Trademarks.”), all of which were registered well before Applicant’s filing date:

Trademark	Registration Number	Registration Date	Int’l Classes	Status
CLARIANT	2145618	March 24, 1998	1, 2, 3	Incontestable, Renewed
 Clariant	2349316	May 16, 2000	1, 2	Incontestable, Renewed
	4029989	Sept. 20, 2011	28	Registered
CLARIANT	2727105	June 17, 2003	1, 2, 3, 4, 16, 17, 35, 39, 41, 42	Incontestable, Renewed
 Clariant	3699020	Oct. 20, 2009	1, 2, 3, 17, 35, 38, 40, 42, 45	Registered
<b>CLARIANT</b> 	4437889	Nov. 26, 2013	1, 2, 3, 4, 5, 7, 9, 16, 17, 18, 19, 31, 35, 36, 37, 38, 39, 40, 41, 42, 45	Registered

4. As part of its efforts to manufacture and sell specialty chemicals, Opposer uses the CLARIANT Trademarks in connection with a variety of business and business related services.

5. For this reason, Opposer maintains U.S. Trademark registrations for the CLARIANT Trademarks in connection with “advertising, business management, business administration, and office functions in the field of chemistry and chemical

engineering” (Registration No. 4437889), “advertising services, namely . . . sales promotion advice” (Registration Nos. 3699020 and 2727105), “consulting services” (Registration No. 3699020), “conducting business and market research studies” (Registration No. 2727105), and “plastics treatment consultation; development of new products for others (Registration No. 2727105).

6. Opposer has invested a considerable amount of time, money, and effort in promoting its CLARIANT Trademarks throughout the United States.

7. As a result of Opposer’s extensive promotional, advertising, and sales activities directed to its CLARIANT Trademarks, the consuming public and trade have come to recognize and do recognize the CLARIANT Trademarks as being used by Opposer or a single source, and to associate and identify said mark and name with Opposer, or with a single source, and Opposer derives substantial goodwill and value from such identification by the consuming public and trade.

#### **GROUND I – LIKELIHOOD OF CONFUSION**

8. Opposer incorporates by reference the allegations of Paragraphs 1 through 7 as if fully set forth herein.

9. By the application herein opposed, Applicant seeks to register the mark CLARIANT APPROACH on the Principal Register of the United States Patent and Trademark Office in connection with “providing marketing and sales strategies to business-to-business technology clients” in International Class 35.

10. Applicant’s CLARIANT APPROACH mark is confusingly similar and substantially identical to Opposer’s CLARIANT Trademarks.

11. The services identified in Applicant’s application are substantially similar

to and overlap with Opposer's services which are covered by Opposer's registrations for the CLARIANT Trademarks.

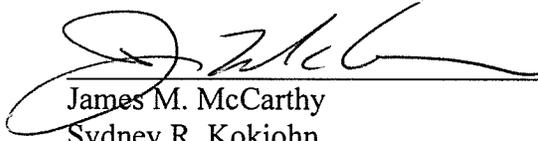
12. Applicant's mark opposed herein is likely to cause confusion and mistake and to deceive, with consequent injury to Opposer, the consuming public and the trade.

13. Opposer will be damaged by the registration sought by Applicant because such registration will support and assist Applicant in the confusing and misleading use of Applicant's mark sought to be registered, and will give color and exclusive right to Applicant in violation and derogation of prior and superior rights of Opposer.

WHEREFORE, Opposer believes it will be damaged by registration of Applicant's mark and prays that it will not be allowed.

Respectfully submitted,

Date: June 18, 2015



James M. McCarthy

Sydney R. Kokjohn

**McDonnell Boehnen Hulbert & Berghoff, LLP**

300 South Wacker Drive, Suite 3200

Chicago, Illinois 60606

(312) 913-0001

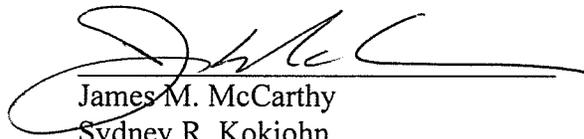
Counsel for Opposer,  
Clariant AG

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on June 18, 2015, a copy of the foregoing was served by first class mail, with confirmation copy by email, on the following attorneys of record:

David J. Byer  
*setrademarks@klgates.com*  
K&L Gates LLP  
925 4<sup>th</sup> Ave. Suite 2900  
Seattle, Washington 98104-1158

Nate Garhart  
*nate@cobaltlaw.com*  
Cobalt LLP  
918 Parker Street, Building A21  
Berkeley, CA 94710



James M. McCarthy  
Sydney R. Kokjohn  
**McDonnell Boehnen Hulbert & Berghoff, LLP**  
300 South Wacker Drive, Suite 3200  
Chicago, Illinois 60606  
(312) 913-0001

Counsel for Opposer,  
Clariant AG