

ESTTA Tracking number: **ESTTA720422**

Filing date: **01/14/2016**

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	DiversiTech Corporation		
Entity	Corporation	Citizenship	Georgia
Address	6650 Sugarloaf Parkway, Suite 100 Duluth, GA 30097 UNITED STATES		

Attorney information	Austin Padgett Troutman Sanders LLP 600 Peachtree St. NE, Suite 5200 Atlanta, GA 30308 UNITED STATES trade- marks@troutmansanders.com,austin.padgett@troutmansanders.com,michael.h obbs@troutmansanders.com Phone:4048853155		
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Applicant Information

Application No	79152495	Publication date	12/29/2015
Opposition Filing Date	01/14/2016	Opposition Period Ends	01/28/2016
International Registration No.	1217238	International Registration Date	07/08/2014
Applicant	Castel Engineering NV Rue de la Royenne 84 BELGIUM		

Goods/Services Affected by Opposition

<p>Class 019. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Building materials, namely, plastic pipe supports, pre-cast concrete wall forms, non-metallic covers for ducts, tubes and polymeric duct assemblies, composite panels composed primarily of non-metal materials, railings, not of metal, non-metal bonding fasteners for mounting and demounting ducts, ducts containing cables, pipes, and ducts containing line sets;rigid pipes, not of metal for building;ducts and other casings for cables, not of metal; fittings not of metal, non-electric for ducts</p>
<p>Class 020. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Non-metallic fasteners for cables; hinges, not of metal for fixing cables or tubes; plastic fittings in the nature of clips for the attachment of cables or pipes; structural fasteners, not of metal for cables and pipes, namely, non-metal threaded fasteners, plastic couplings fororganizing and holding fiber optic and similar cable, plastic fasteners for holding pipes and line sets composed of cables in place</p>

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.	86369264	Application Date	08/18/2014
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	SPEEDICHANNEL		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 017. First use: First Use: 2008/01/31 First Use In Commerce: 2008/01/31 Non-metal fully enclosed covers for HVAC system drain lines, condenser lines, and power lines		

Attachments	86369264#TMSN.png(bytes) Notice of Opposition.pdf(95639 bytes) Exhibit A.pdf(353944 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 Overnight Courier on this date.

Signature	/Austin Padgett/
Name	Austin Padgett
Date	01/14/2016

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

In the Matter of Application Serial No. 79152495
Published in the *Official Gazette* on December 29, 2015
Mark: SPEEDIDUCT

DiversiTech Corporation)	
)	
Opposer,)	Opposition No. _____
)	
v.)	
)	
Castel Engineering NV)	
)	
Applicant.)	
_____)	

NOTICE OF OPPOSITION

DiversiTech Corporation (“Opposer”) believes that it will be damaged by the registration of the mark SPEEDIDUCT as set forth in Application Serial No. 79152495 filed on July 8, 2014, by Castel Engineering NV (“Applicant”). Opposer, hereby opposes Application Serial No. 79152495 for SPEEDIDUCT for use on the all goods applied for in International Classes 19 and 20. As grounds for opposition, the Opposer alleges as follows:

Parties and Procedural Background

1. The Opposer is a Georgia corporation with a principal place of business located at 6650 Sugarloaf Parkway, Suite 100, Duluth, Georgia 30097.
2. Upon information and belief, the Applicant is a Belgian corporation with a correspondence address of Rue de la Royenne 84, B-7700 Moeskroen, Belgium.
3. On July 8, 2014, Applicant filed Application Serial No. 79152495 (the “Application”). *See Exhibit A.*

4. The Application was based on Section 66A, and Applicant claims an effective priority date of March 31, 2014.

5. The Application was published in the Official Gazette on December 29, 2015.

6. This Notice of Opposition is timely filed.

Allegations

7. The Opposer is North America's largest manufacturer of air conditioning condenser pads and a leading supplier of components and related products for the heating, ventilating, air conditioning, and refrigeration (HVACR) industry.

8. In 2007, Opposer entered the HVACR line set cover market and coined the mark SPEEDICHANNEL for its sale of line set covers in the United States.

9. Since 2008, The Opposer has continuously used the SPEEDICHANNEL mark to identify its line set covers in the United States.

10. The Opposer is currently using and has continuously used the SPEEDICHANNEL mark to uniquely identify its line set cover products in the United States.

11. Opposer is the record owner and exclusive user of the SPEEDICHANNEL mark, which is the subject of Application Serial No. 86369264.

12. Since at least 2008, Opposer has continuously used the SPEEDICHANNEL mark in connection with its line set cover products. Opposer's use of its SPEEDICHANNEL mark pre-date Applicant's claimed priority date of March 31, 2014. As such, Opposer has priority over Applicant, and Opposer's rights in its mark are superior to any rights the Applicant may own in the subject SPEEDIDUCT mark.

13. Upon information and belief, the goods identified in the Application are identical or highly related to Opposer's goods sold and distributed under the SPEEDICHANNEL mark.

14. Applicant's adoption of, and any use of, the SPEEDIDUCT mark on products that are identical or highly related to those sold by Opposer is without license, permission or authorization of Opposer.

Count I: Likelihood of Confusion

15. Opposer restates the allegations set forth in Paragraphs 1 through 14 as if fully set forth herein.

16. The mark set forth in the Application so resembles Opposer's SPEEDICHANNEL mark as to be likely, when used in connection with Applicant's listed goods, to cause confusion, mistake or deception among consumers and the public, within the meaning of Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d) and 1125(a), by creating the false impression that Applicant's goods originate with Opposer or are otherwise endorsed, sponsored, licensed, authorized by or connected in any way to Opposer, which is false.

17. Such consumer confusion is likely to occur because the goods set forth in the Application are closely related to the goods and services offered and sold by Opposer under the SPEEDICHANNEL mark.

18. The Application contains no restrictions on Applicant's goods or channels of trade, such that Applicant's goods may be sold through identical and/or similar trade channels as those of Opposer to the same class of consumers.

19. Such likelihood of confusion will damage Opposer and cause irreparable harm to the goodwill embodied by the SPEEDICHANNEL mark.

20. Use and registration of the mark set forth in the Application will be injurious to the Opposer in violation of Section 13(a) of the Lanham Act, 15 U.S.C. § 1063(a), and Opposer is likely to be damaged by registration of the mark set forth in the Application.

WHEREFORE, Opposer has paid the requisite fees to the United States Patent and Trademark Office contemporaneous with the filing of this opposition action. If such fees are deficient or any other fees are required, the USPTO is authorized to charge counsel's deposit account no. 20-1507 for the required amount.

WHEREFORE, the Opposer believes that it will be damaged by the registration of the Application and prays that:

- (a) this Notice of Opposition be sustained in favor of Opposer and said Application Serial No. 79152495 be refused, and that no registration be issued thereon to Applicant; and
- (b) the Board grant to Opposer such other relief as the Board deems just and proper.

This 14th day of January 2016.

Respectfully submitted,

TROUTMAN SANDERS LLP



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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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In the Matter of Application Serial No. 79152495
Published in the *Official Gazette* on December 29, 2015
Mark: SPEEDIDUCT

DiversiTech Corporation)	
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Opposer,)	Opposition No. _____
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v.)	
)	
Castel Engineering NV)	
)	
Applicant.)	
_____)	

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Notice of Opposition was sent by FedEx to Applicant's counsel of record, as follows:

Clifford D. Hyra
Symbus Law Group, LLC
11710 Plaza America Drive, Suite 2000
Reston, Virginia 20190

This 14th day of January 2016.



Austin Padgett



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SpeediDuct

Word Mark SPEEDIDUCT

Goods and Services IC 019. US 001 012 033 050. G & S: Building materials, namely, plastic pipe supports, pre-cast concrete wall forms, non-metallic covers for ducts, tubes and polymeric duct assemblies, composite panels composed primarily of non-metal materials, railings, not of metal, non-metal bonding fasteners for mounting and demounting ducts, ducts containing cables, pipes, and ducts containing line sets; rigid pipes, not of metal for building; ducts and other casings for cables, not of metal; fittings not of metal, non-electric for ducts

IC 020. US 002 013 022 025 032 050. G & S: Non-metallic fasteners for cables; hinges, not of metal for fixing cables or tubes; plastic fittings in the nature of clips for the attachment of cables or pipes; structural fasteners, not of metal for cables and pipes, namely, non-metal threaded fasteners, plastic couplings for organizing and holding fiber optic and similar cable, plastic fasteners for holding pipes and line sets composed of cables in place

Mark Drawing Code (5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM

Serial Number 79152495

Filing Date July 8, 2014

Current Basis 66A

Original Filing Basis 66A

Published for Opposition December 29, 2015

International Registration Number 1217238

Owner (APPLICANT) Castel Engineering NV naamloze vennootschap (nv) BELGIUM Rue de la Royenne 84 B-7700 Moeskroen BELGIUM

Attorney of Record Clifford D. Hyra
Priority Date March 31, 2014
Description of Mark Color is not claimed as a feature of the mark.
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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