

ESTTA Tracking number: **ESTTA774554**

Filing date: **10/04/2016**

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	Akzo Nobel Chemicals International B.V.
Granted to Date of previous extension	10/05/2016
Address	Velperweg 76 Arnhem, NL-6824 BM NETHERLANDS
Correspondence information	Sandra B. Weiss Attorney, Illinois Bar Akzo Nobel Inc. AkzoNobel Legal Group 525 W. Van Buren, Suite 1600 Chicago, IL 60607 UNITED STATES ipani.trademark@akzonobel.com Phone:3125447324

Applicant Information

Application No	86948422	Publication date	06/07/2016
Opposition Filing Date	10/04/2016	Opposition Period Ends	10/05/2016
Applicant	Flotek Chemistry, LLC 1004 Plainsman Road Marlow, OK 73055 UNITED STATES		

Goods/Services Affected by Opposition

Class 001. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: guar gum viscosifier additive used in oil and gas wells, namely, for stimulation, remediation, completion, and drilling
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Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
No use of mark in commerce before application or amendment to allege use was filed	Trademark Act Sections 1(a) and (c)

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	4361814	Application Date	04/19/2011
Registration Date	07/02/2013	Foreign Priority Date	NONE

Word Mark	STIMWELL
Design Mark	
Description of Mark	NONE
Goods/Services	Class 001. First use: First Use: 2011/08/29 First Use In Commerce: 2011/08/29 Chemicals for use in the field of oil exploration and production

U.S. Registration No.	4539843	Application Date	04/04/2013
Registration Date	05/27/2014	Foreign Priority Date	NONE

Word Mark	STIMWELL
Design Mark	
Description of Mark	NONE
Goods/Services	Class 001. First use: First Use: 2011/08/29 First Use In Commerce: 2011/08/29 chemicals for use in the field of oil and gas and production

Attachments	85298939#TMSN.png(bytes) 85895076#TMSN.png(bytes) Stimgel Notice of Opposition.pdf(178763 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	/Sandra B. Weiss/
Name	Sandra B. Weiss
Date	10/04/2016

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

In re Application No. 86948422 for the mark STIMGEL, filed in International Class No. International Class 001 and published June 7, 2016

AKZO NOBEL CHEMICALS INTERNATIONAL B.V.

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Opposer

§ Opposition No.:

v.

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FLOTEK CHEMISTRY LLC

§

Applicant

§

BOX: TTAB
Commissioner of Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

NOTICE OF OPPOSITION

Sir:

In the matter of Application Serial No. 86948422 to register the mark STIMGEL, in International Class 001 for guar gum viscosifier additive used in oil and gas wells, namely for stimulation, remediation, completion, and drilling, filed by Flotek Chemistry LLC on March 22, 2016, which was published in the Official Gazette on June 7, 2016.

The Opposer, Akzo Nobel Chemicals International B.V., a Corporation existing under the laws of the Netherlands, having a principal place of business at Velperweg 76, Arnhem, NL-6824 BM, Netherlands, believes that it will be damaged by the registration of the mark shown in the above-identified application, and hereby opposes the same.

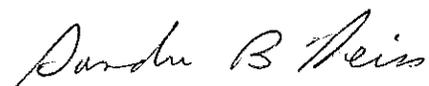
The grounds for opposition are:

1. The Opposer has since, at least as early as August 29, 2011, used the mark STIMWELL for chemicals for use in the field of oil exploration and production and chemicals for use in the field of oil and gas and production .
2. The Opposer is the owner of Registration No. 4,361,814, registered July 2, 2013 for the trademark STIMWELL for chemicals for use in the field of oil exploration and production, Class 001 and Registration No. 4,361,814, registered July 2, 2013, for the trademark STIMWELL for chemicals for use in the field of oil and gas and production, Class 001.
3. The Opposer's registrations were applied for prior to the Applicant's filing date and date of first use.
4. The Opposer has sold its goods listed in the aforesaid registrations under the aforesaid mark as hereinbefore referred to in commerce which the U.S. Congress may regulate. Opposer has developed an exceedingly valuable goodwill in respect to the mark covered by the aforesaid registrations.
5. Applicant's and the Opposer's goods are believed to flow through and/or will flow through the same or similar channels of trade and be purchased by the same purchasers of such goods.
6. Applicant's trademark STIMGEL, is so similar phonetically and in appearance, sound, and overall commercial impression to the Opposer's registered trademark STIMWELL, that concurrent use of the Opposer's registered mark and the Applicant's mark in the same or similar channels of trade and with the same purchasers of such goods, is likely to cause confusion, mistake or deception as to the source or origin of the Applicant's products, and would likely cause them to be associated with the Opposer.

Wherefore, The Opposer respectfully requests that the application of the mark STIMGEL displayed in U.S. Ser. No. 86948422 be refused, and that this Notice of Opposition be sustained in favor of the Opposer.

Please direct all correspondence to the Opposer's undersigned attorney, Sandra B. Weiss, Akzo Nobel Inc., AkzoNobel Legal Group, 525 W. Van Buren, Suite 1600, Chicago, IL 60607, telephone no. (312) 544-7324.

Respectfully submitted,

A handwritten signature in cursive script that reads "Sandra B. Weiss".

Sandra B. Weiss
Attorney for Opposer

Akzo Nobel Chemicals International B.V.
By
Akzo Nobel Inc.
AkzoNobel Legal Group
525 W. Van Buren, Suite 1600
Chicago, IL 60607
Phone: (312) 544-7324

October 4, 2016

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

In re Application No. 86948422 for the mark STINGEL, filed in International Class No. International Class 001 and published June 7, 2016

AKZO NOBEL CHEMICALS INTERNATIONAL B.V.

§

Opposer

§ Opposition No.:

v.

§

FLOTEK CHEMISTRY LLC

§

Applicant

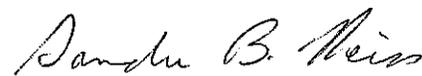
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BOX: TTAB
Commissioner of Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing Notice of Opposition has been served on Douglas R. Wolf of Wolf, Greenfield & Sacks, P.C., 600 Atlantic Avenue, Boston, Massachusetts 02210 by mailing said copy on October 4, 2016 via First Class Mail, postage prepaid to: Douglas R. Wolf, Wolf, Greenfield & Sacks, P.C., 600 Atlantic Avenue, Boston, Massachusetts 02210.

Respectfully submitted,



Sandra B. Weiss
Attorney for Opposer

Akzo Nobel Chemicals International B.V.
By
Akzo Nobel Inc.
AkzoNobel Legal Group
525 W. Van Buren, Suite 1600
Chicago, IL 60607
Phone: (312) 544-7324

October 4, 2016