

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, Virginia 22313-1451

Lykos

Mailed: March 31, 2016

Concurrent Use No. 94002611

Universal Chemical Products
Corporation

v.

Huerta Chemical Corporation

Before Lykos, Goodman and Heasley,
Administrative Trademark Judges.

By the Board:

On October 20, 2015, the Board allowed the parties time to submit a revised settlement agreement to address deficiencies in their previously-filed settlement agreement. As explained by the Board in its order, the agreement was unacceptable because it failed to set forth sufficient measures the parties agree to take to ensure that there will be no likelihood of confusion. On March 18, 2016, the parties submitted an addendum to their settlement agreement and stipulated dismissal of this proceeding.

Upon careful consideration of the agreement between the parties, including the addendum thereto, the Board is now persuaded that under the

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circumstances of this case, concurrent use by the parties of their involved marks will not, in fact, be likely to cause confusion. In making this determination, the Board has taken into account not only the provisions of the agreement and the actual geographic restrictions of the areas of use, but also the voluntary entrance by the parties into an agreement which includes provisions for concurrent use when it would be clearly against their business interests to cause confusion on the part of the public. We specifically note the provisions contained in the addendum to the agreement, namely that the parties will not advertise their respective products bearing the **H-7** trademark outside of their geographic territories coupled with an obligation to notify each other in the event actual confusion occurs and to engage in efforts to cure any such confusion. “Second Addendum to Agreement” ¶¶4 and 7.

Accordingly, Universal Chemical Products Corporation shall be granted a registration based on its application Serial No. 86024066, for the mark **H-7** in standard characters on the Principal Register for “[a]ll purpose cleaning preparations; degreasing preparations not used in manufacturing processes for cleaning automobile parts; hand soaps” in International Class 3 for the geographic area comprising the territories of Puerto Rico and the U.S. Virgin Islands.

Huerta Chemical Corporation’s Registration No. 1316465 for the mark **H-7** in standard characters on the Principal Register for “waterless hand soap; cleaning and degreasing preparation” in International Class 3 is hereby

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ordered restricted to the geographic territory comprising the United States with the exception of the territories of Puerto Rico and the U.S. Virgin Islands.