

THIS OPINION IS NOT A
PRECEDENT OF THE TTAB

Ferrell

Mailed: September 26, 2024

UNITED STATES PATENT AND TRADEMARK OFFICE

Trademark Trial and Appeal Board

In re Kalsec, Incorporated

Serial No. 97346119

G. Patrick Sage II of Hueschen and Sage PLLC
for Kalsec, Incorporated.

Jeanine Gagliardi, Trademark Examining Attorney,¹ Law Office 120,
David Miller, Managing Attorney.

Before Adlin, Heasley, and Lynch, Administrative Trademark Judges.

Opinion by Adlin, Administrative Trademark Judge:

Applicant Kalsec, Incorporated seeks registration of the mark DURASHIELD, in
standard characters, for:

chemical additives for use in the manufacture of food,
beverages, animal feed and pharmaceuticals, in
International Class 1.²

¹ Examining Attorney Gayne Zimmerman initially handled the involved application, but Jeanine Gagliardi issued the Final Office Action and denials of the requests for reconsideration, and filed the Examining Attorney's Appeal Brief. We refer to both as the "Examining Attorney."

² Application Serial No. 97346119, filed April 4, 2022, under Section 1(b) of the Trademark Act, 15 U.S.C. § 1051(b), based on an alleged intent to use the mark in commerce (the "Involved Application").

The Examining Attorney refused registration under Section 2(d) of the Trademark Act, 15 U.S.C. § 1052(d), on the ground that Applicant's mark so resembles the registered mark DURASHIELD PLUS, in standard characters, for

liquid chemical compound for preserving, protecting and soil retarding of floor coverings, upholstery, furnishings, clothing, lamps, blinds, window shades, wallpaper, painted surfaces and other interior fabrics, materials and surfaces, in International Class 1,³

that it is likely to cause confusion. After the refusal became final, Applicant appealed and filed two requests for reconsideration, each of which was denied. Applicant and the Examining Attorney filed briefs. We affirm the refusal to register.

I. Likelihood of Confusion

“The Trademark Act prohibits registration of a mark that so resembles a registered mark as to be likely, when used on or in connection with the goods or services of the applicant, to cause confusion [or] mistake, or to deceive.” *In re Charger Ventures LLC*, 64 F.4th 1375, 1379 (Fed. Cir. 2023) (cleaned up).⁴ Our determination under Section 2(d) is based on an analysis of all of the probative evidence of record bearing on the likelihood of confusion. *In re E.I. du Pont de Nemours & Co.*, 476 F.2d 1357, 1361 (CCPA 1973) (“*DuPont*”) (setting forth factors to be considered); *see also*

³ Registration No. 1295310, issued September 18, 1984, renewed (the “Cited Registration”).

⁴ Citations in this opinion are in the form recommended in TRADEMARK TRIAL AND APPEAL BOARD MANUAL OF PROCEDURE (TBMP) § 101.03 (2024). This opinion cites decisions of the U.S. Court of Appeals for the Federal Circuit and the U.S. Court of Customs and Patent Appeals by the page(s) on which they appear in the Federal Reporter (e.g., F.2d, F.3d, or F.4th). For decisions of the Board, this order employs citations to the LEXIS legal database. Practitioners should also adhere to the practice set forth in TBMP § 101.03.

Palm Bay Imps., Inc. v. Veuve Clicquot Ponsardin Maison Fondée En 1772, 396 F.3d 1369, 1371 (Fed. Cir. 2005).

We must consider “each *DuPont* factor about which there is evidence and argument.” *Spireon, Inc. v. Flex LTD*, 71 F.4th 1355, 1362 (Fed. Cir. 2023) (citing *In re Guild Mortg. Co.*, 912 F.3d 1376, 1380 (Fed. Cir. 2019)). In any likelihood of confusion analysis, two key considerations are the similarities of the marks and the similarities of the goods. See *In re i.am.symbolic, llc*, 866 F.3d 1315, 1322 (Fed. Cir. 2017) (“likelihood of confusion analysis considers all *DuPont* factors for which there is record evidence but ‘may focus . . . on dispositive factors, such as similarity of the marks and relatedness of the goods’”) (alteration in the original) (quoting *Herbko Int’l, Inc. v. Kappa Books, Inc.*, 308 F.3d 1156, 1164-65 (Fed. Cir. 2002)); *Federated Foods, Inc. v. Fort Howard Paper Co.*, 544 F.2d 1098, 1102 (CCPA 1976) (“The fundamental inquiry mandated by § 2(d) goes to the cumulative effect of differences in the essential characteristics of the goods and differences in the marks.”).

A. The Marks

We consider marks “in their entireties as to appearance, sound, connotation and commercial impression.” *Palm Bay Imps.*, 396 F.3d at 1371 (quoting *DuPont*, 476 F.2d at 1361). Here, we agree with the Examining Attorney that the marks are highly similar. In fact, the marks are the same except that Registrant’s mark includes the highly suggestive word “PLUS” following “DURASHIELD.” This distinction between the marks does not result in a meaningful difference.

Indeed, DURASHIELD—the entirety of Applicant’s mark—is identical to the dominant part of Registrant’s mark DURASHIELD. While marks must be compared

in their entireties, it is not improper to accord more or less weight to a particular feature of a mark. *In re Nat'l Data Corp.*, 753 F.2d 1056, 1058 (Fed. Cir. 1983). Consumers often focus on the first part of marks, and here “DURASHIELD” is the first part of Registrant’s mark and the entirety of Applicant’s mark. *In re Detroit Athletic Co.*, 903 F.3d 1297, 1303 (Fed. Cir. 2018) (“The identity of the marks’ two initial words is particularly significant because consumers typically notice those words first.”); *Century 21 Real Estate Corp. v. Century Life of Am.*, 970 F.2d 874, 876 (Fed. Cir. 1992); *Presto Prods. Inc. v. Nice-Pak Prods., Inc.*, Opp. No. 91074797, 1988 TTAB LEXIS 60, at *8 (TTAB 1988) (“[I]t is often the first part of a mark which is most likely to be impressed upon the mind of a purchaser and remembered.”).

Furthermore, the term “DURASHIELD” is the dominant portion of Registrant’s mark because the word “PLUS” is, at best, a highly suggestive term meaning “added to; along with,” “positive or on the positive side of the scale,” “added or extra,” “ranking on the higher end of a designated scale,” or “a favorable condition or factor.”⁵ When used as part of a trademark, “plus” is often a laudatory word connoting a higher quality product or indicating that the product adds an additional value or quality. *See China Healthways Inst. Inc. v. Wang*, 491 F.3d 1337, 1341 (Fed. Cir. 2007) (“Plus’ ordinarily connotes a related superior product, not one from a different source.”); *see also Plus Prods. v. Nat. Organics, Inc.*, Opp. No. 91055487, 1979 TTAB LEXIS 85

⁵ The American Heritage Dictionary of the English Language (5th ed. 2022). The Board may take judicial notice of dictionary definitions. *Univ. of Notre Dame du Lac v. J.C. Gourmet Food Imps. Co.*, Opp. No. 91061847, 1982 TTAB LEXIS 146, at *7 (TTAB 1982), *aff’d*, 703 F.2d 1372 (Fed Cir. 1983).

(TTAB 1979); *Plus Prods v. Redken Lab'ys*, 1978 TTAB LEXIS 29 (TTAB 1978); *Plus Prods. v. Sterling Food Co., Inc.*, Opp. No. 91053757, 1975 TTAB LEXIS 137 (TTAB 1975); *Plus Prods. v. General Mills, Inc.*, Opp. No. 91052595, 1975 TTAB LEXIS 128 (TTAB 1975). Accordingly, consumers familiar with Applicant's DURASHIELD chemicals may believe, upon encountering Registrant's DURASHIELD PLUS chemicals, that because of the similarity of the marks, Registrant's chemicals are an extra-strength version of Applicant's chemicals.

Finally, in comparing Applicant's DURASHIELD mark and Registrant's DURASHIELD PLUS mark, Registrant's mark contains all of Applicant's mark. Likelihood of confusion is often found where the entirety of one mark is incorporated within another. *Johnson Publ'g Co. v. Int'l Dev. Ltd.*, Opp. No. 91063170, 1982 TTAB LEXIS 25, at *4-6 (TTAB 1982) (EBONY for cosmetics and EBONY DRUM for hairdressing and conditioner). The removal of the highly suggestive term "plus" is not sufficient to distinguish Applicant's mark from Registrant's mark. *See The Wella Corp. v. Cal. Concept Corp.*, 558 F.2d 1019, 1022-23 (CCPA 1977) (the inclusion of a suggestive or descriptive word to an otherwise arbitrary term will not preclude a finding of likelihood of confusion).

In short, the marks are quite similar in appearance, sound, meaning and commercial impression. This weighs heavily in favor of finding a likelihood of confusion.

B. Relatedness of the Goods, Channels of Trade, and Classes of Consumers

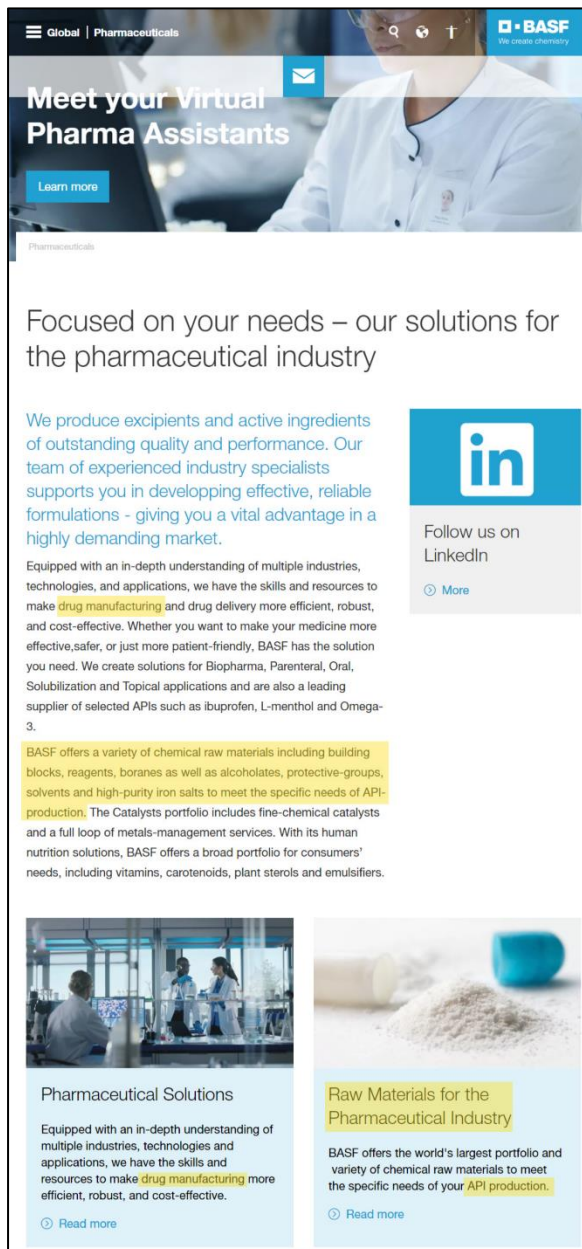
The goods need not be identical or even competitive in order to find a likelihood of confusion. Rather, the question is whether the goods are marketed in a manner that “could give rise to the mistaken belief that they emanate from the same source.” *Coach Servs., Inc. v. Triumph Learning LLC*, 668 F.3d 1356, 1369 (Fed. Cir. 2012) (quoting *7-Eleven Inc. v. Wechsler*, Opp. No. 91117739, 2007 TTAB LEXIS 58, at *19 1724 (TTAB 2007)). See also *Hewlett-Packard Co. v. Packard Press Inc.*, 281 F.3d 1261, 1267 (Fed. Cir. 2002) (“Even if the goods and services in question are not identical, the consuming public may perceive them as related enough to cause confusion about the source or origin of the goods and services.”); *Recot, Inc. v. Becton*, 214 F.3d 1322, 1329 (Fed. Cir. 2000) (“[E]ven if the goods in question are different from, and thus not related to, one another in kind, the same goods can be related in the mind of the consuming public as to the origin of the goods.”).

Here, the Examining Attorney argues that third-party websites establish a relationship between the goods because they show that some entities use the same marks for chemical additives for the manufacture of food, beverages, pharmaceuticals, and animal feed on the one hand, and chemicals for preserving and protecting various surfaces, upholstery, furnishings, clothing, and fabrics on the other hand. See *In re Detroit Athl. Co.*, 903 F.3d at 1306 (crediting relatedness evidence showing that third parties use the same mark for the goods and services at issue because “[t]his evidence suggests that consumers are accustomed to seeing a single mark associated with a source that sells both”); *Hewlett-Packard Co.*, 281 F.3d

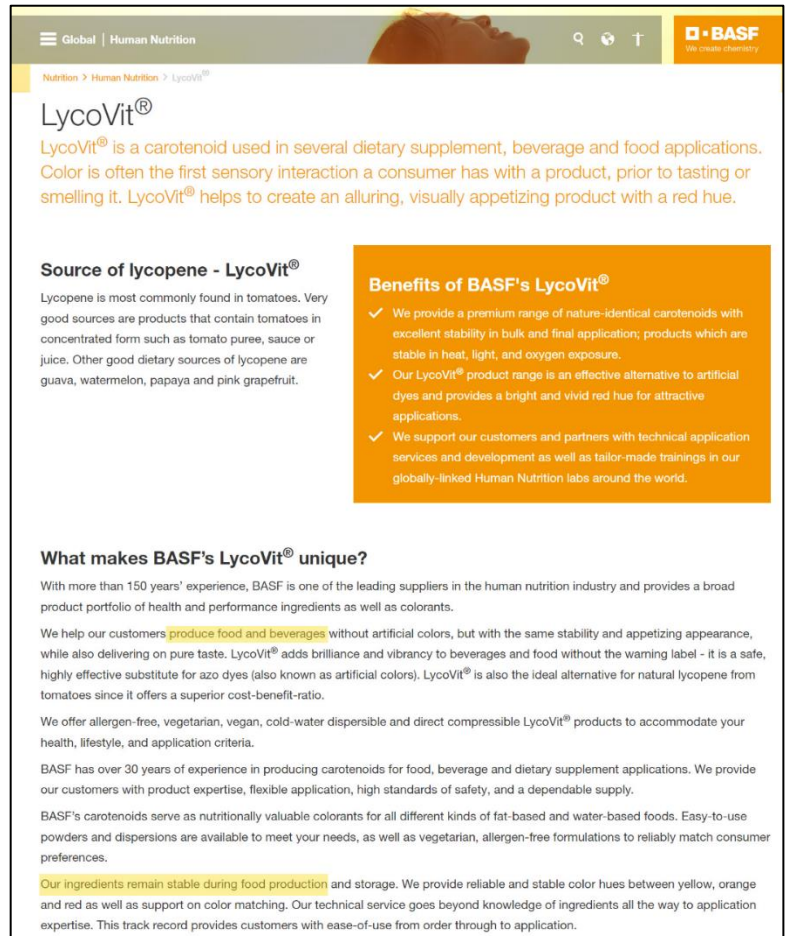
Serial No. 97346119

at 1267 (evidence that “a single company sells the goods and services of both parties, if presented, is relevant to a relatedness analysis”).

For example, under its mark, BASF offers various chemical additives and compounds, including those for use in the manufacture of animal feed, food and beverages, and pharmaceuticals and those used for protecting and preserving clothing, carpets, upholstery, and other interior fabrics, as shown below:



The screenshot shows the BASF Pharmaceuticals website. The header includes the BASF logo and the tagline "We create chemistry". The main navigation bar shows "Global | Pharmaceuticals". The main content area features a large image of a person in a white lab coat with the text "Meet your Virtual Pharma Assistants" and a "Learn more" button. Below this, the text reads "Focused on your needs – our solutions for the pharmaceutical industry". A section titled "We produce excipients and active ingredients of outstanding quality and performance..." is followed by a LinkedIn social media link. At the bottom, there are two columns: "Pharmaceutical Solutions" and "Raw Materials for the Pharmaceutical Industry", each with a "Read more" link.



The screenshot shows the BASF Human Nutrition website. The header includes the BASF logo and the tagline "We create chemistry". The main navigation bar shows "Global | Human Nutrition". The main content area features a large image of a tomato with the text "LycoVit®" and a description: "LycoVit® is a carotenoid used in several dietary supplement, beverage and food applications. Color is often the first sensory interaction a consumer has with a product, prior to tasting or smelling it. LycoVit® helps to create an alluring, visually appetizing product with a red hue." Below this, there are two columns: "Source of lycopene - LycoVit®" and "Benefits of BASF's LycoVit®". The "Benefits" section lists three points: "We provide a premium range of nature-identical carotenoids with excellent stability in bulk and final application...", "Our LycoVit® product range is an effective alternative to artificial dyes and provides a bright and vivid red hue for attractive applications.", and "We support our customers and partners with technical application services and development as well as tailor-made trainings in our globally-linked Human Nutrition labs around the world." At the bottom, there is a section titled "What makes BASF's LycoVit® unique?" with a detailed description of the product's benefits and applications.

Global | Textile, Leather & Footwear

Textile, Leather & Footwear > Textile Chemicals > Additive solutions for fiber articles

Additive solutions for fiber enhancement

BASF offers expertise in additives for many fiber end applications such as apparel, carpet, upholstery, automotive interior fabrics, nonwoven, geotextiles and more.

Synthetic fibers are subject to thermo- and photooxidative degradation during spinning or in use. Irganox® antioxidants, Chimassorb® Light stabilizers and Tinuvin® UV- absorbers protect the fiber from adverse thermal and UV light effects such as discoloration and degradation.

BASF manufactures a wide range of products for use in fiber articles, such as yarns, fabrics and nonwoven in general. Our specific recommendations are for Elastane fibers, Polyamide fibers, Polyester fibers and Polypropylene fibers.

Effect	Brand	Benefit
Durability		
Thermal stabilization	Irganox®, Irgastab®	Thermal protection and long-term durability
Light stabilization	Chimassorb®, Uvinul®, Tinuvin®	Excellent UV-light stability Excellent heat stability High extraction resistance Low volatility Good melt flow during fiber spinning No pigment interaction

Office Action of February 7, 2023 at 36-37 (highlighting added); Final Office Action of June 27, 2023 at 44-45, 51-52 (highlighting added).⁶

Similarly, Applied Material Solutions, under its mark, provides various chemical products for use in the manufacture of animal feed, food, and pharmaceuticals, as well as for use in protecting and preserving fabrics, textiles, and other products, as shown below:

⁶ All citations to documents contained in the Trademark Status & Document Retrieval (TSDR) database are to the downloadable .pdf versions of the documents.

info@amsi-usa.com 262-723-6595

AMS Applied Material Solutions

CHEMICAL PRODUCTS INDUSTRIES RESOURCES BLOG ABOUT US Contact Us

Antifoam Agents for Food Processing and Agribusiness

Home > Industries > Food Processing & Agribusiness

Food processors and agribusiness facilities must manage numerous conditions that cause or contribute to foam formation and air entrainment within their processes and products, including such things as high pressures, intense mixing and agitation, chemical reactions, gas formation, cell lysis, and impurities. These conditions often generate elevated levels of starch, protein, and/or other organic compounds that can rapidly create problematic foaming events.

Excessive levels of foam can lead to a host of adverse effects on facility operations, such as:

- Product defects or quality issues
- Slowed or stalled processing times
- Overflowing tanks, flumes, packaging and trucks
- Pump cavitation issues and equipment malfunction
- Inefficient or incorrect container-filling
- Unsafe workplace hazards

To prevent these risks and control costs, facility managers in the food processing and agribusiness industries leverage a wide array of antifoam agents. As one of the nation's leading producers of food-grade antifoams, Applied Material Solutions (AMS) helps food processors find the best foam control products to optimize their process efficiency and product quality.

Controlling Foam in Food Production

Many different applications within the food processing industry require the control and/or prevention of foam build-up, some examples of which include:

- Grain processing and mill separations
- Fermentations (e.g. ethanol, yeast, enzymes, amino acids)
- Fruit and vegetable washing, transport and preparation
- Meat and poultry processing (e.g. rendering, defeathering, marinades)
- Dairy products, beverages, brine systems, and more

For example, apples are soaked in specialized preparations to prevent oxidation of the fruit's skin. Antifoaming agents are added to this liquid solution to control foam during the recirculation of the drench water. This is just one example of the many hundreds of ways that antifoams are used to control foam from the farm to the factory.

Food-Grade Antifoams and Defoamers

Selecting an appropriate antifoam or defoamer for a given food application requires an understanding of the right type of chemistry for the job. This transcends just controlling the foam, which can be a challenge in its own right, and requires an understanding of the food contact regulations associated with the particular product or application. AMS is well versed in matching an antifoam to its intended application, and we routinely work with our customers to ensure that all of their regulatory requirements are addressed, including the myriad supplier and raw material approval documents that are the norm in today's environment of food safety protocols.

Some examples of the different types of food-grade antifoams that we manufacture include:

- **Silicone Antifoams:** These liquid processing aids contain hydrophobic silicone polymers and inorganic silicates, and are typically presented in the form of a water-based emulsion. They are limited by federal law to extremely low application levels in most food products, typically 10-100 ppm, and are designed to be inert and organoleptically imperceptible. When controlling foam as a process aid, they do not normally contribute any

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AMS Silicone Emulsions

Home > Chemical Products > Silicone Emulsions

Silicone emulsions are non-toxic, heat-stable products created when silicone oil is dispersed in a liquid, with the addition of a surfactant. They are usually used in applications that benefit from the material's inherent physical properties. For example, silicone is non-stick, antistatic, and water-repellent. It also is a safe replacement for organic solvents and meets most safety, health, and environmental regulations. Many types of silicone emulsions exist, providing a range of pH options, active levels, and physical properties that make it possible to modify the material to your intended purpose.

Properties

Some surfactants are electrically charged. Based on the type of emulsifier used, there are three groups of silicone emulsions:

- **Anionic:** Negative charge
- **Cationic:** Positive charge
- **Non-ionic:** No charge

Most emulsions are not electrically charged and are mild in nature. They are commonly used in home cleaning, personal care, and agrochemical industries. The non-ionic group is compatible with either of the others.

Which surfactant you choose largely depends upon the intended application and the desired qualities of the solution. The viscosity of emulsions can be altered based on the polymers used. Concentrates can save on packaging, storage, and transportation costs.

What Industries are Using Silicone Emulsions?

Industries use silicone emulsions for a variety of applications, including, for example, as anti-slip agents, gloss enhancers, lubricants, smoothing agents, softeners, and water repellents.

A few of the most common industries that benefit from silicone emulsions include but aren't limited to:

- Aerospace
- Automotive Electronics
- Chemical Formulating
- Conformal Coating
- Construction
- Foam-Control
- Food Processing
- LED & Lighting
- Lubrication
- Textiles
- Thermal Transfer
- Water Treatment

Example Applications

Silicone emulsions can be used in a variety of ways thanks in part to their multitude of benefits. Here are just a few examples of how organizations can use silicone emulsifiers:

Personal Care

Personal care items like face or body moisturizers use emulsions to soften the skin. Hair products that improve the shine, manageability, and texture of hair typically include silicone emulsions in their formula.

Household Use

Car polishes and household cleaners offer water-resistance, gloss, protection, and spreadability thanks to their silicone content.

Textiles

The textile industry uses silicone emulsions to reduce creasing, enhance the texture and appearance of fabrics, add strength and tear resistance, and repel water.

AMS Applied Material Solutions

Colloidal Silica

Colloids are defined as a stable suspension of microscopic particles or molecules distributed throughout a second substance known as a dispersion medium. They differ from other types of suspensions in that the colloid is evenly dispersed throughout the suspension, and does not separate or settle. Colloids may be any combination of liquid, solid, and gaseous colloids and dispersion media.

Colloidal silica consists of silica molecules suspended in liquid, thereby forming a liquid sol. The process of creating colloidal silica is closely monitored to ensure that the silica molecules remain stable and separate within the liquid medium without collapsing into smaller component molecules or collecting into unstable silica gels. The liquid dispersion medium exhibits greater density than water and must be electrostatically treated for enhanced ionic stabilization.

Colloidal silica is highly fluid with low viscosity. Uses for colloidal silica vary depending on the size of the silica particles in the solution and the modifiable pH, ionization, and surface charge.

Colloidal Silica Uses and Applications

Applications that use colloidal silica vary widely. It can be used to enhance or direct the movement of substances within various processes. For example, it is used in the paper manufacturing process to draw liquid from the finished paper quickly, thereby allowing the paper to dry faster while retaining its strengthening starch. Similarly, colloidal silica can be used to absorb moisture in industrial settings where moisture levels are high. Depending on the size of its constituent particles, colloidal silica may be used to enhance the movement of materials or to increase surface friction.

Colloidal silica is used in a broad range of industries and applications, including:

- Densification of concrete, cement, and other materials
- Fine retention in paper manufacturing
- Enhanced bonding of waterborne adhesives
- Improved surface friction and anti-slip properties
- Wastewater filtration flocculant
- Investment casting binding
- Anti-soilant textile coatings
- Anti-blocking aid for films
- Scratch resistant surface coatings
- Anionic coagulant
- Ceramic fiber binder and rigidizing agent
- Catalyst attrition resistance
- Abrasive polishing agent
- Strength-enhancing additive to plastics, mortar, and concrete

Colloidal Silica Technology

Product	% SiO ₂	Mean Particle Size (nm)	pH (typical)	Surface Area (m ² /g)	Target Density (g/cc)	Applications	Functions
• AMSol™ 8 SM	8%	5	10.0	600	1.05	• Beverage Clarification Concrete & Mortar Protective Coating Water Treatment	Densifier for cement/concrete
• AMSol™ 8 SMX	6%	3.5	10.0	857	1.04	• Beverage Clarification Non-stick Coating Protective Coating Water Treatment Pulp & Paper Adhesives	Retention aid for fines in paper
• AMSol™ 15	15%	7	10.5	429	1.11	• Cosmetics	Adhesion and binding Increased surface friction
• AMSol™ 15 SM	15%	5	10.5	600	1.10	• Beverage Clarification Water Treatment Pulp & Paper	Flocculant aid for waste water filtration Retention aid for fines in paper
• AMSol™ 20 SM	18%	7	10.0	429	1.14	• Beverage Clarification Water Treatment Concrete & Mortar	Densifier for cement/concrete
AMSol™ 30	30%	12	10.2	250	1.19	Catalyst Concrete & Mortar Decorative Coating Insulation Coating Investment Casting Paper, Inkjet, & Photo Pigment Refractory Materials Textiles & Fabrics Pulp & Paper	Binder for investment casting Anti-soilant in textiles Anti-block in films
AMSol™ 30 SM	30%	7	10.0	429	1.20	Batteries Catalyst Concrete & Mortar Decorative Coating Investment Casting Leather Paper, Inkjet, & Photo Refractory Materials Pulp & Paper	Scratch resistance for surface applications and coatings Paper fines retention Cement densification Anionic coagulant
AMSol™ 4012	40%	12	10.0	250	1.28	Adhesives Catalyst Concrete & Mortar Investment Casting Non-stick Coating Protective Coating Refractory Materials Wood Coating	Binder for ceramic fiber shapes Rigidizing agent for refractory and ceramic mats Attrition resistance in catalysts
AMSol™ 4015	40%	15	10.0	200	1.28	Catalyst Concrete & Mortar Investment Casting Refractory Materials	Attrition resistance in catalysts Binder for ceramic fiber shapes Rigidizing agent for refractory and ceramic mats
AMSol™ 50	50%	20	9.0	150	1.38	Adhesives Concrete & Mortar Investment Casting Polishing Pigment Plastic Refractory Materials Textiles & Fabrics Pulp & Paper	Rigidizing agent for refractory and ceramic materials Anti-slip properties for paper Density gradient for most applications
AMSol™ HT	50%	50	9.5	60	1.38	Cleaning Products Concrete & Mortar Leather Paper, Inkjet, & Photo Pigment Plastic Polishing Electronics Pulp & Paper	Polishing agent for electronics and cleaning agents Strength enhancing when used in plastics, mortar, concrete

Office Action of February 7, 2023 at 103-04 (highlighting added); Final Office Action of June 27, 2023 at 69-71, 74-75, 78-82 (highlighting added). This evidence from Applied Material Solutions further demonstrates that some of the same chemicals have multiple purposes, including uses that are encompassed by both Applicant's and Registrant's goods.

Parchem, under its mark, offers chemicals for use in the manufacture of food, beverages, animal feed, and pharmaceuticals, in addition to chemicals for preserving and protecting clothing and various other textiles and fabrics, as shown below:

1-800-282-3982

parchem fine & specialty chemicals

ISO 9001

FOOD AND BEVERAGE CHEMICALS - SWEETENERS - ACIDULANTS - EMULSIFIERS

HOME / CHEMICAL PRODUCTS CATALOG / FOOD AND BEVERAGE CHEMICALS - SWEETENERS - ACIDULANTS - EMULSIFIERS

Product Name	CAS #	Formula	VIEW DETAILS	ADD TO QUOTE
(Z)-3-hexen-1-yl propionate	33467-74-2	C9H16O2	VIEW DETAILS	ADD TO QUOTE
Aronia Juice Concentrate 6B Brix	-	N/A	VIEW DETAILS	ADD TO QUOTE

SHOWING 1 - 25 OF 346 PRODUCTS AVAILABLE

As one of the world's premier suppliers of food and beverage chemicals, Parchem – fine & specialty chemicals is ready to supply your company with a wide range of sweeteners, acidulants, emulsifiers, and food grade chemicals. Parchem works closely with manufacturers and suppliers to ensure high levels of quality and selection. Parchem offers a wide variety of food and beverage chemicals that are important ingredients in a myriad of products on the market today. Our Emulsifiers class of products features natural sweeteners, food chemicals, acidulants, food emulsifiers, and food grade chemicals.

1-800-282-3982

parchem fine & specialty chemicals

ISO 9001

ACTIVE PHARMACEUTICAL INGREDIENTS (API) & INTERMEDIATES

HOME / CHEMICAL PRODUCTS CATALOG / ACTIVE PHARMACEUTICAL INGREDIENTS (API) & INTERMEDIATES

Product Name	CAS #	Formula	VIEW DETAILS	ADD TO QUOTE
(Z)-2-(2-Formylaminothiazol-4-yl)-2-met...	65872-43-7	C7H7N3O4S	VIEW DETAILS	ADD TO QUOTE
(S)-1,2,3,4-Tetrahydro-3-Isosquinolinecarb...	-	-	VIEW DETAILS	ADD TO QUOTE

SHOWING 1 - 25 OF 2901 PRODUCTS AVAILABLE

As an active pharmaceutical ingredient and intermediate supplier, Parchem takes pride in providing a wide range of high quality pharmaceutical materials at competitive market prices. We work closely with API manufacturers and custom formulators to ensure that the active pharmaceutical ingredients you require are readily available. Parchem is proud to represent the best custom manufacturers of active pharmaceutical ingredients with high production capabilities, and we will gladly work with you to develop your API and chemical business. Active pharmaceutical ingredients call for a certain standard of quality and reliability that you can count on when you work with API's from Parchem.

Active pharmaceutical ingredients from a chemical supplier like Parchem are chosen for the quality and ready availability of the API. Parchem supplies some of the most demanded active pharmaceutical ingredients such as Cyclobenzaprine HCl, Pedrisone, Amantadine HCl, and over 150 more from global API manufacturers. These materials are often combined with the quality excipients, binders, and tableting aids supplied by Parchem. Finding all the materials you need to develop your product has never been easier than with Parchem at your side. Parchem's vast API inventory and wide selection of excipients makes Parchem the best choice for your active pharmaceutical and chemical supply needs.

API chemicals supplied by Parchem can be found in countless pharmaceuticals manufactured by major companies all over the world. Major pharmaceutical manufacturers turn to Parchem for their APIs because of our commitment to quality, efficiency, and reliability. Our relationships with active pharmaceutical ingredient manufacturers ensure that Parchem is consistently the best resource for the materials you require. We are able to remain highly competitive in the API chemical marketplace because we offer the full range of services from sales and customer service to domestic warehousing and international logistics. Parchem is able to bring active pharmaceutical ingredients to you anywhere in the world, and our commitment to quality ensures that you get the product you need in a timeframe you can count on.

1-800-282-3982

parchem fine & specialty chemicals

ISO 9001

2-ETHYLHEXYL ACRYLATE

Inquire with a Quick Quote

PRODUCT DESCRIPTION

PRODUCT	2-Ethylhexyl Acrylate	Quantity	<input type="text"/>
CAS #	103-11-7	Unit	<input type="text" value="select unit"/>

NOTES

2-ethylhexyl acrylate is used in the production of homopolymers and copolymers. 2-EHA is a very versatile acrylate that can be used as a chemical building block to produce a variety of coatings, resins, adhesives and sealants. It also finds use in the plastics and textiles industries as an additive to improve water resistance, resistance to sunlight, and weatherability of the final product.

Parchem is a leading supplier of 2-ethylhexyl acrylate, contact us for a quick quote!
Use: BINDING

CLASS: Plastic Additives, Chemical Intermediates, Acrylates and Methacrylates, Adhesives, Coatings and Sealants Chemicals

FUNCTIONS: Intermediates, Resins

INDUSTRY: Industrial, Resin & Coating, Textiles, Adhesives, Acrylics, Plastics, Synthetic Fabrics

GET A QUICK QUOTE

CAS # 103-11-7

GET A QUICK QUOTE

DOWNLOAD PRODUCT SPEC

DOWNLOAD SDS

CAS # 103-11-7

GET A QUICK QUOTE

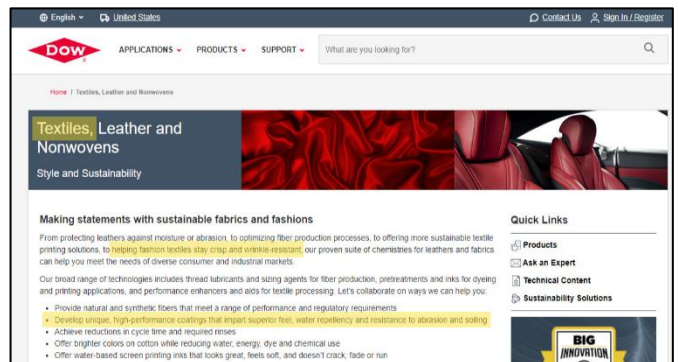
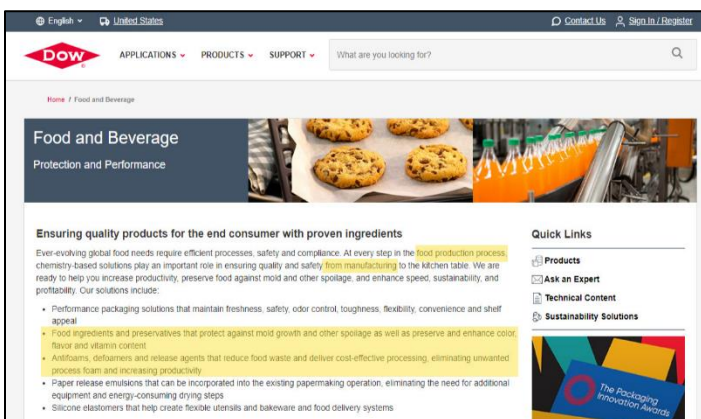
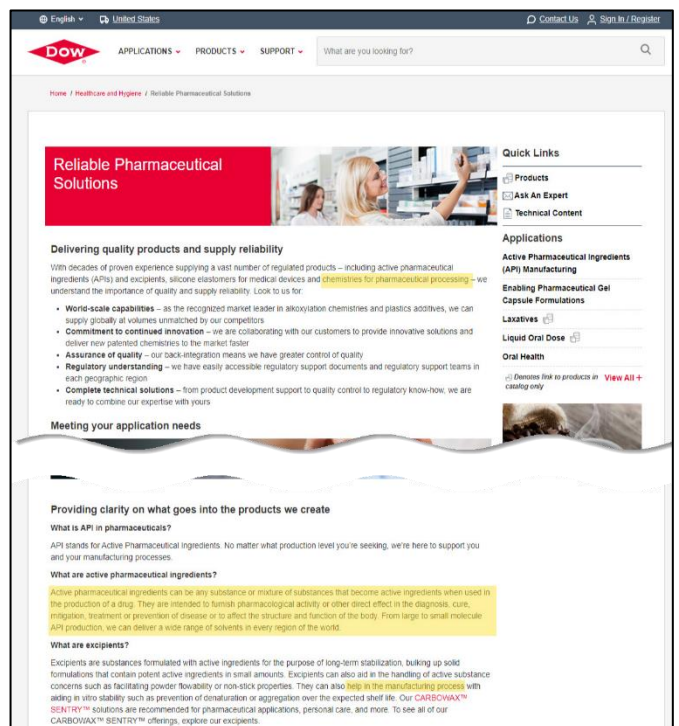
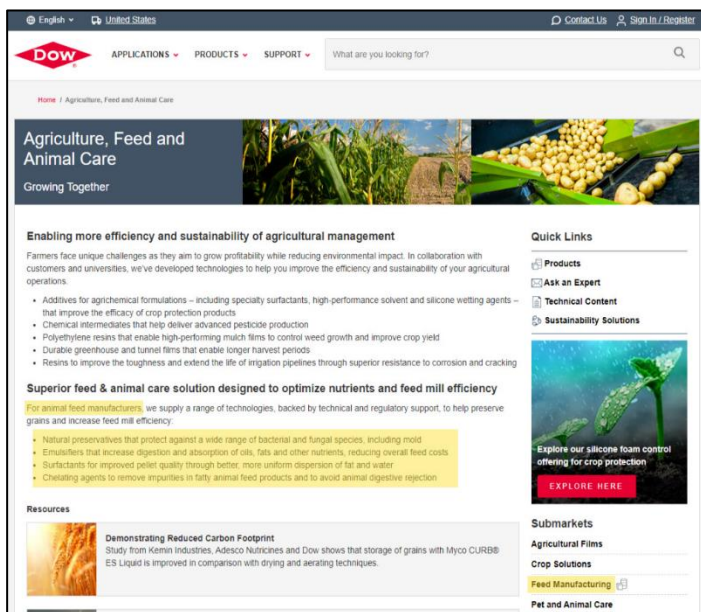
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DOWNLOAD SDS

For more information call 1-800-282-3982 or email info@parchem.com!

Office Action of February 7, 2023 at 107-15 (highlighting added); Final Office Action of June 27, 2023 at 26-29 (highlighting added).

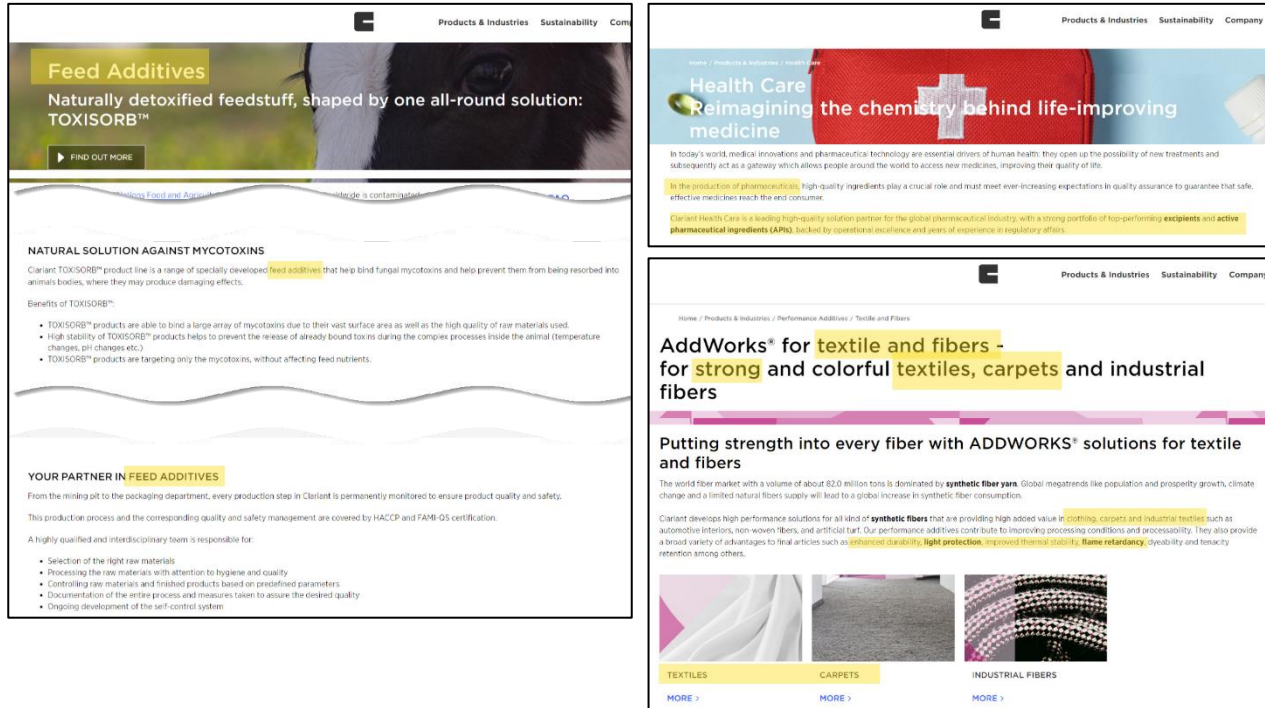
Likewise, under its mark, Dow offers chemicals for use in the manufacture of animal feed, food and beverages, and pharmaceuticals and for use in the protection and preservation of painted surfaces, other interior surfaces, and various textiles, as shown below:



Office Action of February 7, 2023 at 50, 54-55, 88, 96 (highlighting added).

Serial No. 97346119

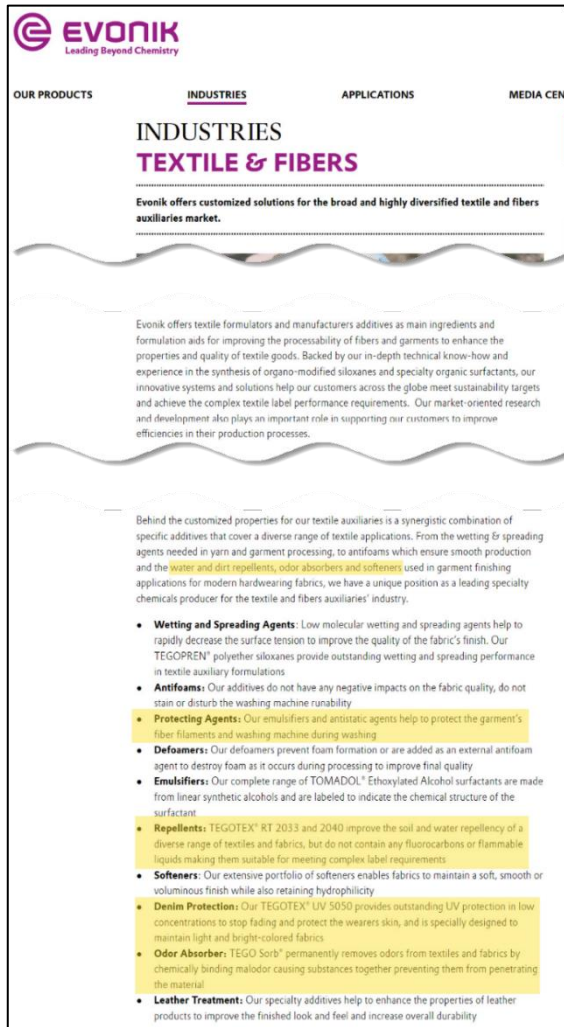
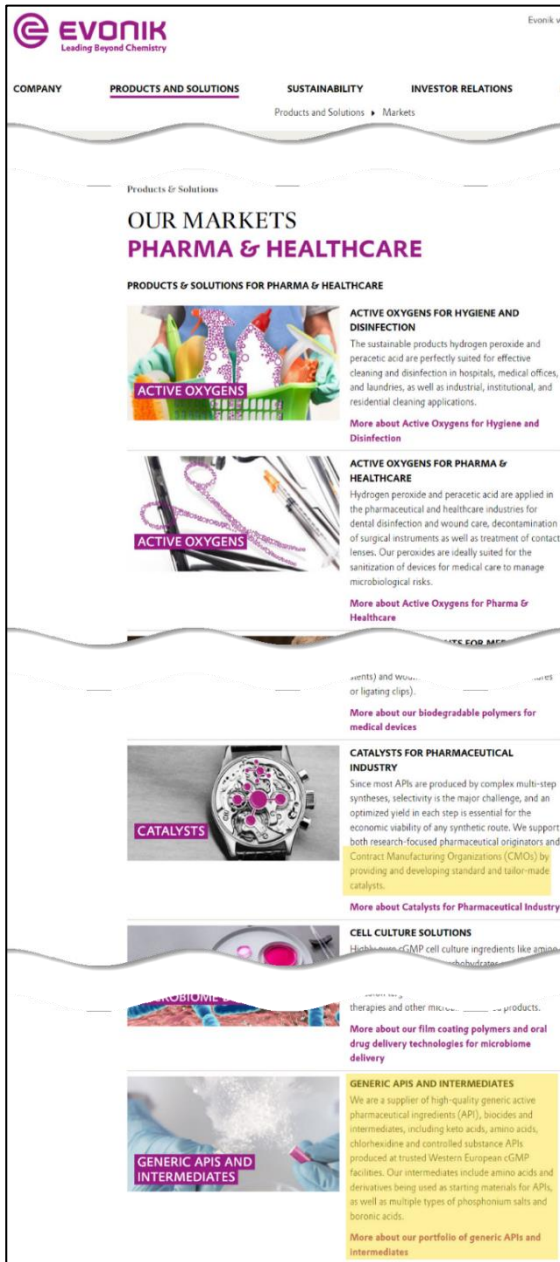
Under its mark, Clariant, a “specialty chemical compan[y],” offers chemicals for use in the manufacture of animal feed and pharmaceuticals as well as chemicals for the protection and preservation of textiles, including carpets and clothing, as shown below:



Request for Reconsideration Denial of October 11, 2023 at 39-56 (highlighting added).

Under its mark, Evonik, another “specialty chemical compan[y],” offers chemicals for the protection and preservation of textiles, including carpets and clothing, as well as chemicals for use in the manufacture of animal feed and pharmaceuticals, as shown below:





Request for Reconsideration Denial of October 11, 2023 at 83-106 (highlighting added).

ICL, under its mark, offers chemicals used in the manufacture of food and beverages, animal feed, and pharmaceuticals as well as chemicals used for the protection and preservation of various textiles, including clothing, furniture, and curtains, as shown below:



ICL About Us Our Business Our Innovation Planet Startup Hub Sustainability Investors

Home > Our Business > Food

Food

Overview

As the world population continues to grow, both consumers and suppliers are seeking more cost-effective, healthy, sustainable, and convenient food solutions. The latest food trends include alternative protein products (meat, cheese, and others), waste-free food, and ingredients that are produced in a sustainable way with a low environmental footprint. ICL is a leading global manufacturer of food additives, and solutions for the food industry, including prolonging shelf life, minimizing food waste, and more. ICL's products are being incorporated in the latest Food-tech solutions and are helping create a positive impact on the increasingly evolving food industry.


Any questions?
Contact us for more information about our variety of products.
[Contact us](#)

Domains

Dairy

The demand for organic products is rising globally with the growing awareness for health and sustainability. Proclac is a global market-leading food ingredient supplier that produces and distributes a comprehensive portfolio of milk and whey derivatives based on organic cow, goat, sheep, GMO-free, and lactose-free milk.


[Explore Dairy](#)



Fermentation

Di-ammonium hydrogen phosphate (DAP) is a water-soluble ammonium phosphate that is one of the main sources of yeast supplements. This nutrient improves yeast performance, and as one of the leading phosphate providers for the food industry, ICL produces this easy-to-use nutrient at a competitive price.


[Explore Fermentation](#)



Sports and isotonic drinks

As awareness for fitness and sports as part of the daily routine grows, so does the need for hydration and proper energy sources for the body. Isotonic drinks supply the body with a boost of carbohydrates and other important minerals after a workout, along with replacing liquids lost through sweating. ICL provides a wide range of magnesium, potassium, and calcium food additives for the sports beverage industry.


[Explore More](#)

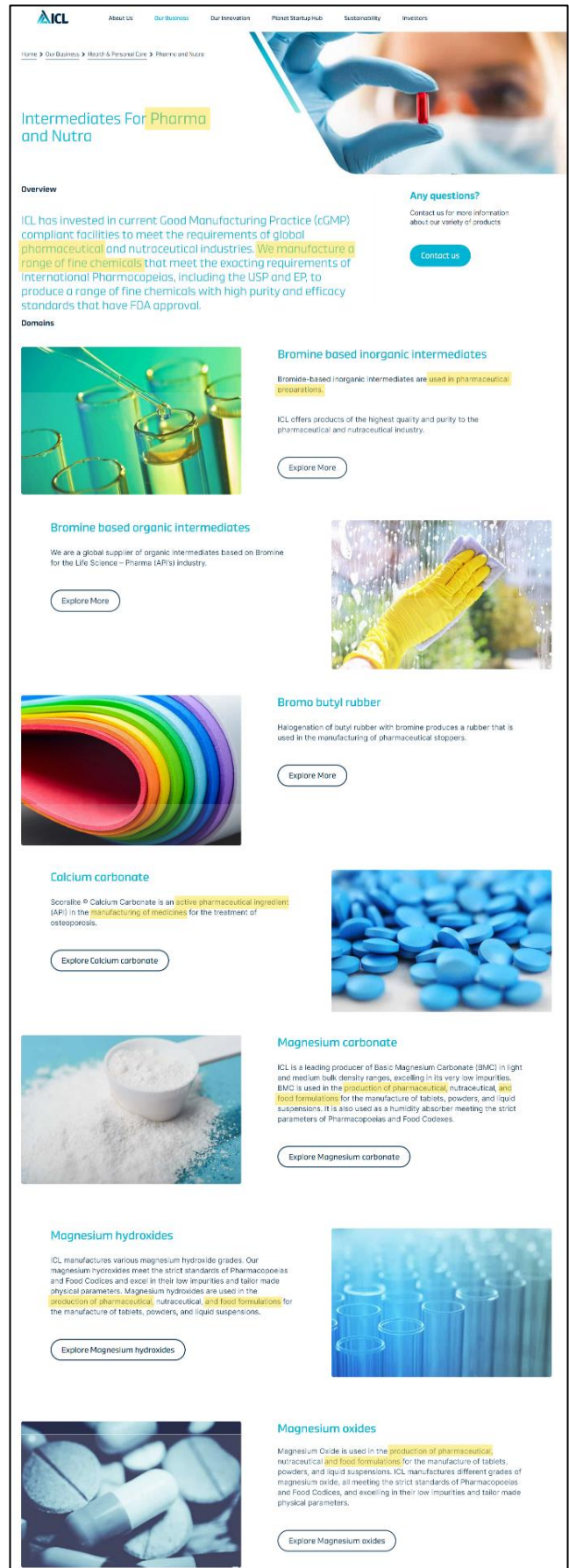


Food additives

As a leading food additive manufacturer, ICL provides magnesium, potassium, and calcium additives to a variety of industries. Our food additive solutions enhance, enrich and perfectly balance already winning products.

[Explore Food additives](#)





ICL About Us Our Business Our Innovation Planet Startup Hub Sustainability Investors

Home > Our Business > Health & Personal Care > Pharma and Nutra

Intermediates For Pharma and Nutra

Overview

ICL has invested in current Good Manufacturing Practice (cGMP) compliant facilities to meet the requirements of global pharmaceutical and nutraceutical industries. We manufacture a range of fine chemicals that meet the exacting requirements of International Pharmacopoeias, including the USP and EP, to produce a range of fine chemicals with high purity and efficacy standards that have FDA approval.

Any questions?
Contact us for more information about our variety of products.
[Contact us](#)


Domains

Bromine based inorganic intermediates

Bromide-based inorganic intermediates are used in pharmaceutical preparations.

ICL offers products of the highest quality and purity to the pharmaceutical and nutraceutical industry.


[Explore More](#)



Bromine based organic intermediates

We are a global supplier of organic intermediates based on Bromine for the Life Science - Pharma (API) industry.


[Explore More](#)



Bromo butyl rubber

Hydrogenation of butyl rubber with bromine produces a rubber that is used in the manufacturing of pharmaceutical stoppers.


[Explore More](#)



Calcium carbonate

Scorallite® Calcium Carbonate is an active pharmaceutical ingredient (API) in the manufacturing of mesclites for the treatment of osteoporosis.


[Explore Calcium carbonate](#)



Magnesium carbonate

ICL is a leading producer of Basic Magnesium Carbonate (BMC) in light and medium bulk density ranges, excelling in its very low impurities. BMC is used in the production of pharmaceutical, nutraceutical, and food formulations for the manufacture of tablets, powders, and liquid suspensions. It is also used as a humidity absorber meeting the strict parameters of Pharmacopoeias and Food Codexes.


[Explore Magnesium carbonate](#)



Magnesium hydroxides

ICL manufactures various magnesium hydroxide grades. Our magnesium hydroxides meet the strict standards of Pharmacopoeias and Food Codices and excel in their low impurities and tailor made physical parameters. Magnesium hydroxides are used in the production of pharmaceutical, nutraceutical, and food formulations for the manufacture of tablets, powders, and liquid suspensions.


[Explore Magnesium hydroxides](#)

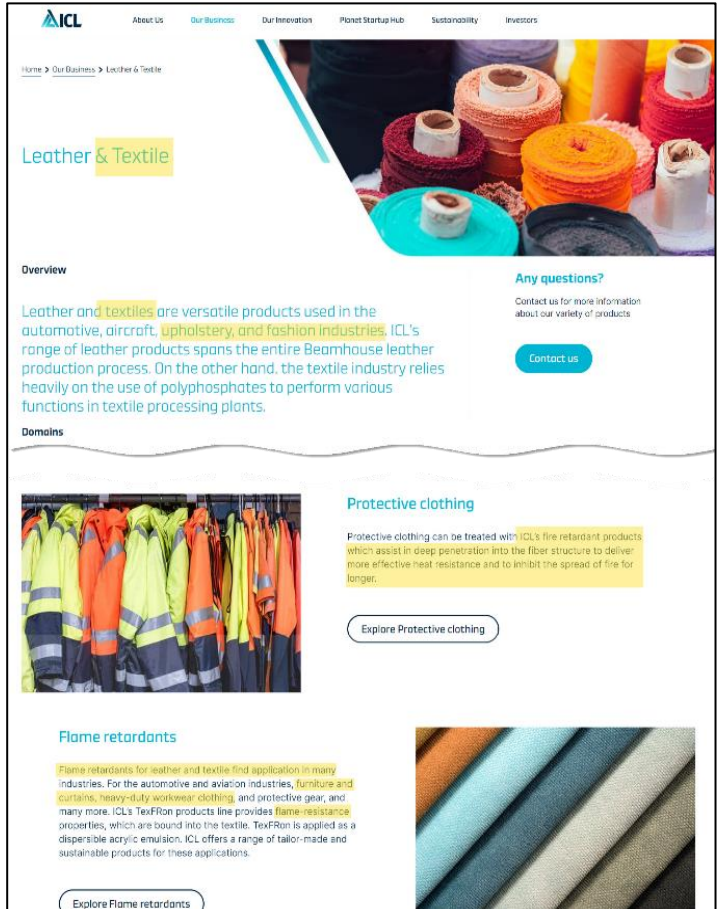
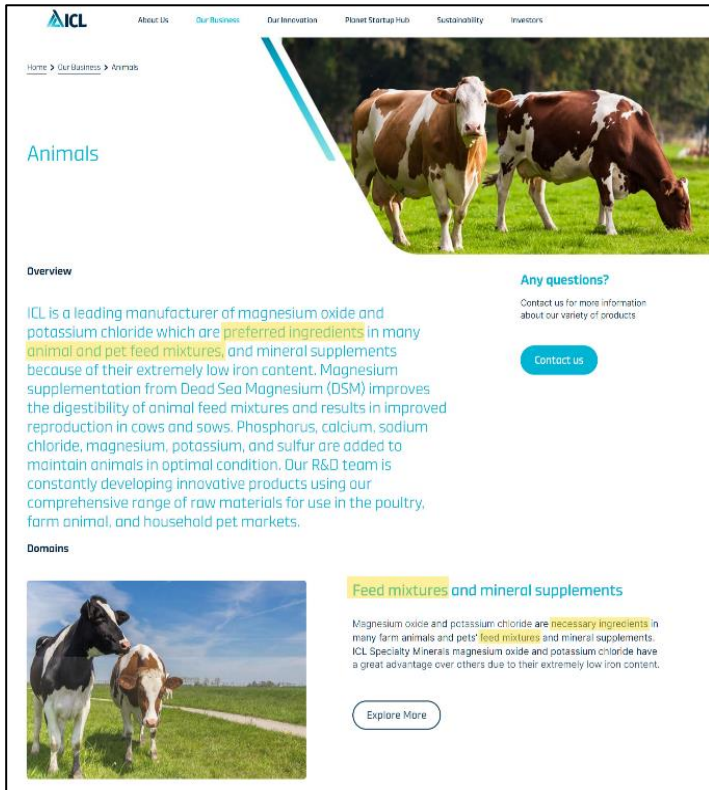


Magnesium oxides

Magnesium Oxide is used in the production of pharmaceutical, nutraceutical and food formulations for the manufacture of tablets, powders, and liquid suspensions. ICL manufactures different grades of magnesium oxide, all meeting the strict standards of Pharmacopoeias and Food Codices, and excelling in their low impurities and tailor-made physical parameters.

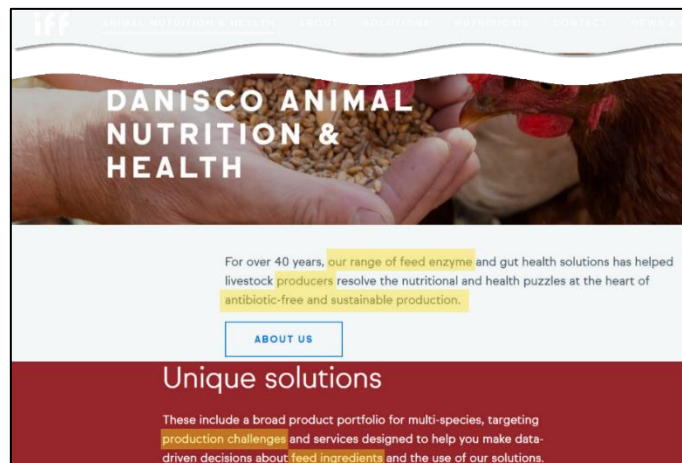
[Explore Magnesium oxides](#)

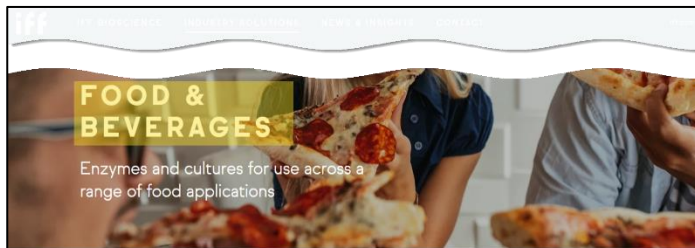




Request for Reconsideration Denial of October 11, 2023 at 110-42 (highlighting added).

IFF, under its mark, offers chemicals used in the manufacture of food, beverages, and animal feed as well as chemicals used for the protection and preservation of various textiles, including clothing, as shown below:






FOOD & BEVERAGES
Enzymes and cultures for use across a range of food applications

Cultures and Food Enzymes

The wide range of cultures & food enzymes developed by IFF promote consumer-led health & wellbeing trends such as fermented foods, gluten free, plant-based, reduced sugar, lactose free, and no/low alcohol. Our enzymes and cultures also help to reduce food waste by keeping products fresher longer.


Explore our portfolio of applications across a range of applications:



Baking

Baking enzymes from IFF make your baked goods and bread products fresher, softer, longer-lasting and more consistent.


[FIND OUT MORE >](#)



Brewing Enzymes

We believe that when it comes to brewing, anything is possible. By combining an unmatched expertise in enzymes with an outstanding natural flavors portfolio and a global network of brilliant experts across a wide variety of disciplines, we are the perfect partner for your next brewing project.


[FIND OUT MORE >](#)



Dairy

Enzymes and cultures from IFF help reserve freshness, refine flavor and texture, contribute to healthy diets and more in dairy and cheese products.


[FIND OUT MORE >](#)



Carbohydrate Processing Enzymes

By shortening production cycles and reducing operating costs, IFF enzyme solutions help create more value from renewable raw materials for our customers in the starch processing industry.


[FIND OUT MORE >](#)



Co-Products and Ingredients

Our specialized range of enzymes for co-product valorisation and ingredient production enables you to increase protein extract yield while making savings on energy consumption.


[FIND OUT MORE >](#)



Culinary

Enzymes to enhance the appearance and quality of culinary products, such as durum paste – while reducing cost.


[FIND OUT MORE >](#)



TEXTILE FINISHING ENZYMES
Re-imagine textiles


Gentler on fabrics. Kinder to our planet.

IFF delivers enzymes to the textile processing industry that enable effective, safer and more sustainable textile processes. Our biobased solutions are competitive versus the conventional processes in terms of cost-effectiveness. Together with our customers we satisfy the consumer demand for sustainable garments.




Biobleaching

PrimaGreen® EcoWhite enzyme has been developed for medium-temperature bleaching of fabrics at neutral pH, contributing to sustainability of the bleaching process. PrimaGreen® EcoWhite bleaching has been demonstrated to be a successful and competitive replacement of the conventional bleaching process taking into account quality and environmental aspects.




Bleach Clean-up

PrimaGreen® Oxy catalase enzyme catalyzes effective hydrogen peroxide removal, even under the most extreme textile processing conditions where high hydrogen peroxide concentrations are being faced. These robust catalase enzymes provide reliable and complete hydrogen peroxide removal ensuring a consistent dyeing result.




Biofinishing

PrimaFast® and PrimaGreen® cellulase enzymes are used for the production of higher quality fabrics in the biofinishing process by providing a long lasting, cleaner and smoother surface and softer hand. PrimaFast® and PrimaGreen® cellulase products are available for processing at acid or neutral pH conditions according to the processor's requirements.




Color Modification

PrimaGreen® fading enzyme systems are used to alter the color and shade of indigo- and sulphur-dyed fabric. This enzymatic approach can create new fashion looks from cast adjustment and shade change to bleaching without the use of harmful chlorine or permanganate bleach.




Desizing

Optisize® and PrimaGreen® α-amylase enzymes break down and solubilize starch that is present in size on woven fabrics. Enzymatic desizing is a reliable and well-accepted solution in the textile industry for desizing starch sized woven fabrics. Optisize® and PrimaGreen® α-amylase enzymes have a wide pH and temperature ranges and are suited for use in the different desizing processes used in the textile industry.




Leather

IFF protease products can be used in different leather tanning processing steps such as soaking, dehairing and bating to improve the quality of the final product. The use of enzymes also contributes to improving the sustainability of leather production.



Bioscouring

PrimaGreen® EcoScour has developed the bioscouring application into an effective solution for improving sustainability in scouring fabrics at low to medium temperature and neutral pH, enabling savings in use of water and energy. At the same time, the use of PrimaGreen® EcoScour in knit or fabric scouring results in improved fabric quality, a softer hand, reduced fabric weight loss and improved dyability compared to conventional scouring.



Stonewashing

IndiAge®, PrimaGreen and PrimaFast stonewashing enzymes are perfect for denim and garment finishing, creating stone-washed looks on denim, improving the looks and quality of garments or in developing fashionable effects.

Request for Reconsideration Denial of October 11, 2023 at 4-5, 18-29 (highlighting added).

Finally, under its mark, Coyne Chemical offers chemicals used in the manufacture of pharmaceuticals, food, and beverages as well as chemicals used for the protection and preservation of various household materials and surfaces, including clothing and furniture, as shown below:

Coyne Chemical
ABOUT MARKETS SOLUTIONS EDUCATION CONTACT

Markets

- Chemical Manufacturing
- Construction & Engineering Design
- Energy & Mining
- Flavor & Fragrance
- Food & Beverage Technologies
- Household, Industrial, & Institutional
- Paints, Coatings, & Finishes
- Personal Care
- **Pharmaceutical**
- Groundwater & Soil Remediation
- Potable Water Treatment
- Waste Water Treatment

PHARMACEUTICAL

Pharmaceutical

Coyne has extensive experience in identifying the right solutions, because important characteristics of each ingredient can vary by application and supplier. Our team continually provides manufacturers the appropriate specialty ingredients to improve performance of consumer products used for pharmaceuticals.

We are **Strategically Positioned** to provide world-class service and High Standards of Quality. Our ISO Certification, NACD Responsible Distribution® Verification, and vendor quality assurance program address the ever-growing demands and regulations you have to meet every day.

Our goal is building and strengthening relationships with our partners through core values which help us continue to focus on **Reinvestment and Sustainability**.

Our wide range of products and expertise are successful in applications for:

- Antibiotics
- Herbicides
- Antimicrobials
- Insecticides
- Biotechnology
- Medical Containers & Devices
- Dental Products
- Medications
- Diet Aids
- Packaging
- Dyes & Coatings
- Preservatives
- Flavor & Fragrances
- Resins & Pigments
- Fungicides
- Specialty Food Ingredients & Additives
- Gels, Injections, Syrups, & Tablets
- Vaccines
- Generics
- Vitamin Supplements

Coyne Chemical is a supplier of choice for many of the most prominent customers in the pharmaceutical industry. We stock numerous critical raw materials needed for pharmaceutical formulations and manufacturing.

Best be Safe Today.

Coyne Chemical
ABOUT MARKETS SOLUTIONS EDUCATION CONTACT

Markets

- Chemical Manufacturing
- Construction & Engineering Design
- Energy & Mining
- Flavor & Fragrance
- **Food & Beverage Technologies**
- Household, Industrial, & Institutional
- Paints, Coatings, & Finishes
- Personal Care
- Pharmaceutical
- Groundwater & Soil Remediation
- Potable Water Treatment
- Waste Water Treatment

FOOD & BEVERAGE TECHNOLOGIES

Food & Beverage Technologies

Coyne has extensive experience in identifying the right solutions, because important characteristics of each ingredient can vary by application and supplier. Our team continually provides manufacturers the appropriate specialty ingredients to improve quality and performance of food and beverage products.

We are **Strategically Positioned** to provide world-class service and High Standards of Quality. Our ISO Certification, NACD Responsible Distribution® Verification, and vendor quality assurance program address the ever-growing demands and regulations you have to meet every day.

Our goal is building and strengthening relationships with our partners through core values which help us continue to focus on **Reinvestment and Sustainability**.

Our wide range of products and expertise are successful in applications for:

- Baked Goods
- Health Foods
- Beverages
- Lactose-Free
- Breakfast Meals
- Low Calorie
- Canned Foods
- Meat and Poultry Products
- Condiments
- Mineral Enrichment
- Confectionery
- Non-GMO
- Dairy & Cheese Products
- Nutraceuticals
- Dressings
- organic Food Products
- Dried Foods
- Packaging and Delivery Concepts
- Eggs & Egg-Alternatives
- Filled Pasta & Starches
- Ethnic Foods
- Reducing Sodium
- Extracts
- Sauces & Gravies
- Fish & Seafood
- Seasonings
- Fresh Cut Fruits & Vegetables
- Snack Food
- Frozen Foods
- Soups
- Gels, Ointments, & Pastes
- Specialty Food Ingredients
- Gluten Free
- Spices
- Gourmet Prepackaged
- Sport Nutritionals

Coyne Chemical is a supplier of choice for many of the most prominent customers in the food and beverage industry. We stock numerous critical raw materials and specialty ingredients needed for your recipes.

Working safely each day will keep the doctor away.

Coyne Chemical
ABOUT MARKETS SOLUTIONS EDUCATION CONTACT

Markets

- Chemical Manufacturing
- Construction & Engineering Design
- Energy & Mining
- Flavor & Fragrance
- Food & Beverage Technologies
- **Household, Industrial, & Institutional**
- Paints, Coatings, & Finishes
- Personal Care
- Pharmaceutical
- Groundwater & Soil Remediation
- Potable Water Treatment
- Waste Water Treatment

HOUSEHOLD, INDUSTRIAL, & INSTITUTIONAL

Household, Industrial, & Institutional

Coyne has extensive experience in identifying the right solutions, because important characteristics of each ingredient can vary by application and supplier. Our team continually provides manufacturers the appropriate specialty ingredients to improve performance of consumer products used for household, institutional, and industrial cleaning.

We are **Strategically Positioned** to provide world-class service and High Standards of Quality. Our ISO Certification, NACD Responsible Distribution® Verification, and vendor quality assurance program address the ever-growing demands and regulations you have to meet every day.

Our goal is building and strengthening relationships with our partners through core values which help us continue to focus on **Reinvestment and Sustainability**.

Our wide range of products and expertise are successful in applications for:

- Air Fresheners
- Green Cleaners
- All-Purpose Cleaners
- Hand Soaps & Wipes
- Automotive Cleaners
- Hard Surface Cleaners
- Bathroom, Shower & Toilet Cleaners
- Kitchen Cleaners
- Degreasers
- Laundry Detergents
- Dishwashing Aids
- Leather Care
- Disinfectants
- Multi-Surface Cleaners
- Fabric Softeners
- Sanitizers
- Polishes, Waxes, & Strippers
- Surface Protectors
- Glass Cleaners
- Vehicle Cleaners

Coyne Chemical is a supplier of choice for many of the most prominent customers in the HI&I industry. We stock numerous critical raw materials needed for classic and new environmentally friendly formulations. Many of our new products are certified by Green Seal.

Working safely each day will keep the doctor away.

Request for Reconsideration Denial of October 11, 2023 at 71-78 (highlighting added).

Additionally, the Examining Attorney introduced the following use-based third-party registrations showing that the same marks are registered for broadly worded chemicals for use in industry and manufacturing, including specifically for foods,

pharmaceuticals, and animal feeds as well as chemicals for the protection and preservation of various goods, including specifically for textiles, fabrics, clothing, and paint coatings:




(Reg. No. 6164444) is registered for, inter alia, “chemicals for use in industry,” “chemical preparations for general industrial manufacturing,” “chemicals for use in the manufacture of pharmaceuticals, nutritional supplements, agrochemicals, seed treatments, crop protection additives, animal feeds, crop protection preparations, home cleaning preparations, laundry preparations, air fresheners, water treatment preparations, paint coatings, lacquers, varnishes, and lubricants,” “chemical additives for use in the manufacture of food [and] textiles,” and “surfactants for use in the manufacture of synthetic detergents.”



(Reg. No. 5697765) is registered for, inter alia, “ingredients used in the manufacture of . . . pharmaceuticals, nutrition, [and] coatings . . . , namely, natural, synthetic and semisynthetic polymers derived from plant and seed extract, cellulose ethers, vinyl pyrrolidones and acrylic polymers, polyester and polyurethane-based adhesives, gelcoats, maleic anhydride, butanediol, tetrahydrofuran, n-methylpyrrolidone, . . . , unprocessed polymers, cytological and histological fixatives, unprocessed conditioning polymers, emulsifiers, . . . , chemical preparations to be applied to textiles, plastics and coatings to act as UV filters, water-resistant chemical agents and thickeners, emulsifiers, emollients, . . . , unsaturated polyester and vinyl ester resins, system comprised of excipients and tablet coatings to the pharmaceutical and nutraceutical manufacturing industries, chemical thickening and texture control agents, cellulose gums and vinyl pyrrolidone polymers, hydroxyethylcellulose (HEC).”

LEIZE (Reg. No. 5607660) is registered for, inter alia, “chemical agents for the flame-retardant coating of textiles,” “chemicals used in the textile industry, namely, printing paste and color enhancer for printing textiles,” “industrial chemicals,” “laminated minerals to be affixed to the surface of furniture,” “perfluorinated chemical compounds prepared synthetically for use in the manufacture of . . . pharmaceuticals,” and “polymers and polymeric additives for use in the manufacture of pharmaceutical preparations [and] coatings.”

 (Reg. No. 5639353) is registered for, inter alia, “chemical products with a silicone-based coating for use in the manufacture of paints, varnishes, . . . , textiles, . . . , food grade release coatings, . . . and decorative coatings,” “silicone-based chemicals for impregnating textiles [and] fur,” “silicone-based chemicals for softening textiles,” “silicone-based chemicals for impregnating, softening and water-proofing leather and fabrics,” “anti-microbial, anti-bacterial and anti-fungal chemical additives for use in the lifestyle and healthcare industries, namely, in the manufacture of food, pharmaceuticals, . . . , detergents, textiles, clothing and furs,” “anti-foaming chemicals for use in industry and the manufacture of textiles,” “anti-skimming chemicals for use in industry and the manufacture of textiles,” “chemical froth stabilizers, namely, chemical preparations for stabilizing textiles, soil and dust,” “chemical stabilizer used for preserving foods,” “chemical additives for paints,” and “chemicals for use in industry for coating and encapsulating.”

SURPHASE (Reg. No. 5585581) is registered for, inter alia, “chemical preparations for general industrial manufacturing,” “chemicals for industrial purposes,” “chemicals used in the manufacture of fabric or textiles,” “chemicals, namely, rheology modifiers for use in the field of coating materials,” “agricultural chemicals, except fungicides, herbicides, insecticides and parasiticides,” “fire retardant chemicals,” “specialty chemicals, namely, chemical additives for general industrial use in the manufacture of a wide variety of goods,” “specialty chemicals, namely, chemical additives for use in the manufacture of fabrics and of surfaces of a wide variety of manufactured products, for health and safety related

purposes,” and “stain-preventing chemicals for use on fabrics.”

REPELSHELL (Reg. No. 5186513) is registered for, inter alia, “chemical additives for use in the manufacture of plastics and paints,” “polymers, biopolymers, polymeric additives and biopolymeric additives for use in the manufacture of industrial products, consumer and household products, sealants or packaging,” “specialty chemicals, namely, chemical additives for general industrial use in the manufacture of a wide variety of goods,” and “specialty chemicals, namely, chemical additives for use in the manufacture of fabrics and of surfaces of a wide variety of manufactured products, for health and safety related purposes.”



(Reg. No. 5843146) is registered for, inter alia, “chemicals used in industry,” “agricultural chemicals, except fungicides, herbicides, insecticides and parasiticides,” “chemicals used in the manufacture of textiles, adhesives, plastics and industrial coatings,” “food preserving chemicals,” and “chemical additives for use in the manufacture of pharmaceuticals.”

AEROSIL (Reg. No. 6846852) is registered for, inter alia, “chemicals used in industry,” “food preserving chemicals,” “chemicals for use in the manufacture of . . . sealants, . . . , defoamers, . . . , paints, coatings, [and] pharmaceuticals,” “chemicals for use in the . . . pharmaceutical industry,” “chemicals for use in manufacturing and processing of . . . agrochemicals, paints and lacquers, and for manufacturing of coatings, in particular raw materials for coatings and finishing preparations for coatings,” “chemicals for use in the manufacture of animal feed,” “chemicals for use in association with food products, namely, chemical additives used in the manufacture of food, food preserving chemicals,” “defoaming agents,” “chemicals for use in industry, namely, silica for use in the chemical industry, textile industry, pharmaceutical industry, . . . , paint and coatings industry,” “chemical preparations for manufacturing of paints, . . . lacquers, [and] coatings,” “chemical preparations and additives for manufacturing of

. . . pharmaceutical preparations,” “chemical additives and auxiliaries for manufacturing of paints, lacquers, [and] coatings,” and “chemical substances for preserving foodstuffs.”



(Reg. No. 5979499) is registered for, inter alia, “chemicals, namely, raw chemicals,” “chemicals used in industry,” “chemicals used in agriculture,” “chemicals for preserving foodstuffs,” and “pharmaceutical chemicals for use in the manufacture of pharmaceuticals.”



(Reg. No. 6201368) is registered for, inter alia, “size for use in the textile industry,” “chemicals used in industry,” “fabric protectant for commercial dry cleaning use,” “chemicals for use in the manufacture of a wide variety of goods,” “chemicals, namely, rheology modifiers for use in the field of coating materials,” “chemical agents for the flameretardant coating of textiles,” “polymers and polymeric additives for use in the manufacture of pharmaceutical preparations [and] coatings,” “chemical preparations to be applied to textiles . . . and coatings for absorbing ultraviolet light,” “chemical preparations to be applied to textiles . . . and coatings to prevent the penetration of ultraviolet light,” “chemical preparations to be applied to textiles . . . and coatings to prevent damage from ultraviolet light,” and “chemical agents for impregnating, binding or coating of textiles, furs and leather, non-wovens and fabrics.”



(Reg. No. 6480682) is registered for, inter alia, “chemical additives for use in the manufacture of food,” “chemical additives for use in the manufacture of pharmaceuticals,” “chemical agents for the flame-retardant coating of textiles,” “chemical preparations for the manufacture of paints,” “chemical preparations to be applied to textiles . . . and coatings for absorbing ultraviolet light,” “chemical preparations to be applied to textiles . . . and coatings to prevent the penetration of ultraviolet light,” “chemical vehicles used in the manufacture of paints,” “chemicals for fermenting wine,” “chemicals for industrial purposes,” “chemicals for use in the manufacture

of wide variety of goods,” and “waterproofing chemical compositions for articles of fabric.”

KEMIN (Reg. No. 6035386) is registered for, inter alia, “chemical additives for use in the manufacture of food, animal feed, pet food, . . . , textiles and nutritional supplements,” “chemical preparations to prevent mildew,” “chemical preparations for preserving foodstuffs,” “chemicals used in the manufacture of fabric or textiles,” “enzymes to assist in digestion for use in the manufacture of animal feeds,” “enzymes for use in the textile industry,” and “mold inhibiting chemicals for preventing growth of mold.”

DODIGEN (Reg. No. 6673516) is registered for, inter alia, “ammonium-containing compounds and blends thereof used in the manufacture of penicillin, fabric softeners, . . . and antimicrobial textile and finishing products, surfactants, emulsifiers, corrosion-inhibitors, bactericides, fungicides, germicides, biocides, algaecides, antifoulants, antibiofoulants, emulsifiers, and wood preservatives,” “chemicals for use in the manufacture of a wide variety of goods,” and “chemicals for use in industry.”

HUNTSMAN (Reg. No. 6166773) is registered for, inter alia, “chemical products for use in the textile, . . . , leather, plastics, animal skin and artificial leather industry,” “chemicals for use in the manufacture and treatment of paper, textiles, and fabrics,” “chemicals for use in the manufacture of pharmaceuticals,” and “silicone based chemical agents in the textile industry used in treating textiles for textile resilience, textile crease resistance, and for improving sewability and making textiles softer.”

ECO MYRJ (Reg. No. 7037971) is registered for, inter alia, “chemicals for use in industry,” “chemical preparations for general industrial manufacturing,” “emulsifiers for industrial purposes and for use in the manufacture of foods,” “produce stabilizer for preserving foods,” “chemicals for use in the manufacture of pharmaceuticals, nutritional supplements, agrochemicals, seed treatments, crop protection additives, animal feeds, crop protection preparations, home cleaning preparations, laundry preparations, . . . , paint coatings, lacquers, varnishes, and

lubricants,” and “chemical additives for use in the manufacture of food [and] textiles.”

IFF (Reg. No. 6649792) is registered for, inter alia, “chemical preparations in the nature of emulsifiers, alginates, stabilizers, hydrocolloids, cellulose and anti-oxidants for use in the manufacture of food and beverages,” “chemicals used in industry,” “chemicals and chemical preparations used in the manufacture and formulation of . . . detergents, fabric softeners, [and] scented textiles,” “ingredients for food and dietary supplements, namely, emulsifiers [and] food preservatives,” and “enzymes . . . for use in the manufacture of household detergents, textiles, animal health and nutritional products, beverage brewing, [and] food.”

Final Office Action of June 27, 2023 at 94-134. “Third-party registrations which cover a number of differing goods and/or services, and which are based on use in commerce, although not evidence that the marks shown therein are in use on a commercial scale or that the public is familiar with them, may nevertheless have some probative value to the extent that they may serve to suggest that such goods or services are of a type which may emanate from a single source.” *In re Mucky Duck Mustard Co.*, Serial No. 73603019, 1988 TTAB LEXIS 11, at *9 n.6 (TTAB 1988). Thus, this evidence corroborates the third-party use evidence upon which the Examining Attorney relies.

Applicant argues that the Examining Attorney’s evidence demonstrates only that “large conglomerates” produce “a broad spectrum of goods, sometimes including the goods of the [Subject A]pplication and the [C]ited [R]egistration,” which Applicant contends is not sufficient to show the relatedness of the goods therein. Response to Office Action of May 4, 2023 at 5-7; Request for Reconsideration of September 18, 2023 at 6-9; Request for Reconsideration of December 27, 2023 at 6-9; 6 TTABVUE

6-9.⁷ However, Applicant did not provide evidentiary support for its argument. *See Cai v. Diamond Hong, Inc.*, 901 F.3d 1367, 1371 (Fed. Cir. 2018) (“Attorney argument is no substitute for evidence.”) (citation omitted).

In addition, we disagree with Applicant’s characterization that the websites show only “[t]he existence of conglomerates manufacturing disparate goods under house brands.” *See* 6 TTABVUE 9. The third-party evidence is not analogous to that of large retailers such as Amazon.com®, Costco®, or Wal-Mart® showing a broad spectrum of consumer goods under a house mark. *Cf. In re Donnay Int’l, Societe Anonyme*, Ser. No. 74160268, 1994 TTAB LEXIS 21, at *2, n.3 (TTAB 1994) (minimizing the significance of two third-party registrations for house marks “since house marks can be used to identify a broad range of products”). Instead, the goods offered by both Applicant and Registrant are chemicals used as ingredients in various finished products, and the evidence involves only third parties that offer chemicals formulated to their particular needs. Applicant has not demonstrated that these third parties offer such a wide range of other unrelated goods and services as to undermine the probative value of their offering the goods at issue in this case under the same mark.

Applicant further attempts to discount the third-party website evidence on the ground that some of the marks “are not registered trademarks” and, therefore, Applicant argues that the Examining Attorney “has neither presented any evidence [that] these companies assert trademark rights . . . nor presented any evidence

⁷ Citations to the appeal record are to TTABVUE, the Board’s online docketing system. The number preceding TTABVUE corresponds to the docket entry number, and any number following TTABVUE refers to the page of the docket entry where the cited materials appear.

consumers would recognize such rights.” Response to Office Action of May 4, 2023 at 7; Request for Reconsideration of September 18, 2023 at 7; Request for Reconsideration of December 27, 2023 at 8; 6 TTABVUE 8. However, it is well-settled that third-party marks, whether registered or not, in use for both Applicant’s and Registrant’s goods demonstrate relatedness. To wit,

[e]vidence of relatedness may include news articles or evidence from computer databases showing that the relevant goods are used together or used by the same purchasers; advertisements showing that the relevant goods are advertised together or sold by the same manufacturer or dealer; or copies of prior use-based registrations of the same mark for both applicant’s goods and the goods listed in the cited registration.

In re Ox Paperboard, LLC, Ser. No. 87847482, 2020 TTAB LEXIS 266, at *15 (TTAB 2020).

The Examining Attorney’s evidence demonstrates the requisite relationship between the goods identified in the Cited Registration and those in the Involved Application, especially where the marks are as close as they are here. In fact, the close similarity of the marks reduces the degree of similarity between the goods required to support a finding of likelihood of confusion. *In re Shell Oil Co.*, 992 F.2d 1204, 1207 (Fed. Cir. 1993); *In re Thor Tech, Inc.*, Serial No. 78634024, 2009 TTAB LEXIS 253, at *4-5 (TTAB 2009) (“[T]he greater the degree of similarity between the applicant’s mark and the registered mark, the lesser the degree of similarity between the applicant’s goods and registrant’s goods that is required to support a finding of likelihood of confusion.”); *Time Warner Entm’t Co. v. Jones*, Opp. No. 91112409, 2002 TTAB LEXIS 462, at *29-30 (TTAB 2002) (same).

Here, the record shows that it is not uncommon for the same sources to offer under the same mark both chemical additives encompassed by the identification of goods in the Involved Application and chemical compounds identified in the Cited Registration. Thus, the use by unaffiliated producers of raw chemicals of DURASHIELD and DURASHIELD PLUS “could give rise to the mistaken belief that [Applicant’s chemical additives and Registrant’s chemical compounds] emanate from the same source.” *Coach Servs.*, 668 F.3d at 1369.

Regarding the channels of trade, Applicant argues that the Examining Attorney’s statement that the goods are “presumed to travel in the same channels of trade to the same classes of purchasers” is baseless. Request for Reconsideration of September 18, 2023 at 9; Request for Reconsideration of December 27, 2023 at 9; 6 TTABVUE 10. Additionally, Applicant relies on evidence from Registrant’s website, Registrant’s application and maintenance specimens submitted to the USPTO, and third-party evidence to argue that “there are, in fact, critical restrictions on the channels of trade for the goods marketed under the cited mark.” Request for Reconsideration of September 18, 2023 at 10-25; Request for Reconsideration of December 27, 2023 at 9-27; 6 TTABVUE 10-11.⁸ While Applicant is correct that the Examining Attorney’s reliance on the presumption in *In re Viterra Inc.*, 671 F.3d 1358 (Fed. Cir. 2012), is

⁸ The Board notes that Applicant also submitted this same evidence with its appeal brief. See 6 TTABVUE 16-30. The appeal brief is associated with the application file, so evidence that is already in the application should not be resubmitted as exhibits to the brief. *In re Information Builders Inc.*, Ser. No. 87753964, 2020 TTAB LEXIS 20, at *5 n.4 (TTAB 2020) (attaching previously submitted evidence to an appeal brief is unnecessary and impedes efficient disposition of the appeal by the Board; direct citation to evidence in the record is strongly preferred).

misplaced, Applicant's reliance on evidence of actual use to restrict the identification of goods in the Cited Registration is similarly improper.

The presumption of identical trade channels in *In re Viterra* only applies where the goods in the application and cited registration are identical or legally identical, which is not the case here. *See* 671 F.3d at 1362. However, where there are no limitations as to channels of trade or classes of purchasers in the identification of goods, as in the Cited Registration, it is presumed that Registrant's respective "goods move in all channels of trade normal for those goods, and that they are available to all classes of purchasers for those goods." *See Hunter Indus. v. Toro Co.*, Opp. No. 91203612, 2014 TTAB LEXIS 105, at *36 (TTAB 2014). Determining the similarity and relatedness of goods and their trade channels is based on the description of the goods in the application and registration at issue, not on extrinsic evidence of actual use. *In re i.am.symbolic, llc*, 866 F.3d at 1323-1325.

In this case, the Cited Registration does not contain any limitations on the channels of trade or classes of purchasers, and, despite Applicant's evidence, the Board may not read limitations into an unrestricted identification of goods. *See Squirtco v. Tomy Corp.*, 697 F.2d 1038, 1043 (Fed. Cir. 1983). The Examining Attorney's third-party use evidence makes clear that the ordinary channels of trade and classes of consumers for chemical additives for the manufacture of food, beverages, animal feed, and pharmaceuticals overlap with those for chemical compounds for preserving, protecting, and soil retarding of various interior fabrics, materials, and surfaces. In fact, much of the evidence demonstrates that the same

chemicals have multiple uses, often including uses listed in both the Involved Application and Cited Registration.

In short, the goods are related and travel in at least some of the same channels of trade to the same classes of consumers.

C. Consumer Sophistication and Care

Applicant argues that confusion is unlikely because “[t]he level of sophistication of the respective consumers is clearly significant.” 6 TTABVUE 11-12. In particular, Applicant argues that “[c]onsumers of [R]egistrant’s goods need a written agreement for applications involving the human body” and “Applicant’s goods operate in highly regulated food and pharmaceutical industries.” *Id.* Applicant did not introduce any evidence that the consumers of Applicant’s and/or Registrant’s goods necessarily engage in sophisticated purchasing. While the third-party evidence discussed above involves industrial contexts where purchasers may be more sophisticated, Registrant’s identified goods are broad enough to encompass ordinary consumer goods for preserving and protecting various home surfaces and fabrics, which would not be targeted to sophisticated purchasers. Additionally, given the similar marks and related goods, we find that the relevant purchasers would not be immune from source confusion. *See, e.g., Stone Lion Capital Partners, L.P. v. Lion Capital LLP*, 746 F.3d 1317, 1325 (Fed. Cir. 2014); *Top Tobacco LP v. North Atlantic Operating Co.*, Opp. No. 91157248, 2011 TTAB LEXIS 367, at *20 (TTAB 2011).

II. Conclusion

The marks are quite similar, and this factor weighs heavily in favor of finding a likelihood of confusion. Additionally, the goods are related and the channels of trade

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and classes of consumers overlap, which also weigh in favor of finding a likelihood of confusion. Registrant's consumers are not necessarily sophisticated, and even to the extent that Applicant's may be, the other factors outweigh any consumer sophistication or care in purchasing. *See In re Rsch. Trading Corp.*, 793 F.2d 1276, 1278-79 (Fed. Cir. 1986); *Carlisle Chem. Works, Inc. v. Hardman & Holden Ltd.*, 434 F.2d 1403, 754-55 (CCPA 1970); *see also HRL Assocs., Inc. v. Weiss Assocs., Inc.*, Opp. No. 91075632, 1989 TTAB LEXIS 33 (TTAB 1989), *aff'd*, 902 F.2d 1546 (Fed. Cir. 1990) (similarities of goods and marks outweighed sophisticated purchasers, careful purchasing decision, and expensive goods). Confusion is likely.

Decision: The refusal to register Applicant's mark under Section 2(d) of the Trademark Act is affirmed. 15 U.S.C. § 1052(d).