

ESTTA Tracking number: **ESTTA778683**

Filing date: **10/24/2016**

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

Application Serial No.	86647889
Applicant	GCP Applied Technologies Inc.

## Notice of Appeal

Notice is hereby given that GCP Applied Technologies Inc. appeals to the Trademark Trial and Appeal Board the refusal to register the mark depicted in Application Serial No. 86647889.

Applicant has filed a request for reconsideration of the refusal to register, and requests suspension of the appeal pending consideration of the request by the Examining Attorney.

The refusal to register has been appealed as to the following classes of goods/services:

- Class 001. First Use: 0 First Use In Commerce: 0  
All goods and services in the class are appealed, namely: Chemicals for use in industry and science; chemicals for industrial purposes, namely, chemicals for use in the manufacture of cement, concrete, mortar, masonry, shotcrete, or other cementitious compositions; chemical and oil dispersants and water-reducing chemical additives for use in the manufacture of cement, concrete, mortar, masonry, shotcrete, or other cementitious compositions; fireproofing preparations; adhesives for industrial use; dispersion liquids for mixing mortar to treated cement to plastic materials, concrete additives for applications in the sprayed concrete sector and anti-evaporation products for concrete and mortar; additives for concrete and mortar. Agents for hardening concrete surfaces (except paint); agents for protecting and preserving concrete (except paint); concrete bonding agents, concrete antifreeze additives. Adhesive primer for use on building substrates to adhere weatherizing tape, flashing or membrane; weatherizing membrane, in liquid chemical form, for use on building substrates to prevent air and water infiltration. Compositions for forming seals or sealing gaskets for containers such as sanitary cans, metal and glass containers, barrels and bottles and for automotive electrical and other industrial component parts. Plastics in the form of paste, powder, liquids, dispersions, emulsions and granulates, all for the use in providing sealing means in closures for sealing purposes. Oxygen scavenging chemicals and additives used alone and in compounds and sealants to absorb oxygen from within cans, bottles, jars and other rigid packaging as well as being used on/with corks and bottle caps. Chemical surface treatment product of chemical coating compositions for application to metal surfaces of food and beverage containers. Chemical products, such for example as calcium hydroxide, for industrial use, as absorbents, such as CO<sub>2</sub> absorbents, for medical devices including respirators, cartridges, ventilators, and anesthesia machines
- Class 017. First Use: 0 First Use In Commerce: 0  
All goods and services in the class are appealed, namely: Insulating waterproofing membranes and vapor barriers; waterproofing adhesive tapes for foundation of buildings; packing and insulating materials; sealants for construction joints; sealing compounds for buildings; moisture barrier materials, namely, insulating and waterproofing membrane strips and adhesive tapes; Compounds not in the nature of paints for sealing joints, namely, sealing compounds for joints
- Class 019. First Use: 0 First Use In Commerce: 0  
All goods and services in the class are appealed, namely: Materials for use in building and civil engineering, construction and repair, namely, non-metal flashing for building in the nature of self-adhered non-metallic window, door and deck flashings; bituminous coatings or sheet-like waterproofing membranes for roofing; non-metallic roof flashing; non-metallic building flashing for windows and doors; cementitious fireproofing mixes for application to steel floors and beams, concrete surfaces or other construction materials; Non-metal building flashing in the nature of adhesive tape; Non-metallic building materials, namely, sheet-like rollable membranes for providing water-, air-, or vapor-barrier protection for building or construction surfaces; Compounds not in the nature of paints for sealing joints, namely, waterproofing compounds for filling and plugging openings in buildings and construction surfaces or for joining together sheet-like rollable membranes on building and construction surfaces, and bituminous- or synthetic-adhesive-based waterproofing sealant materials; Non-metallic materials for filling or plugging, all for use in building and civil engineering construction and in the repair of buildings, namely, water stops, grouts, and sealant materials

for filling or plugging joints or openings in building structures

Respectfully submitted,

/craig leon/

10/24/2016

**Craig K. Leon**

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