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

IN THE MATTER OF:

ChevronTexaco Corporation,
Opposer,

v.

The Lubrizol Corporation,
Applicant.

Application Serial No. 76/433,247
Filed: July 23, 2002
Published: July 15, 2003 in the *Official Gazette* at Page TM 250
Trademark: CHEMRON



09-15-2003
U.S. Patent & TMOtc/TM Mail RcptDt. #22

NOTICE OF OPPOSITION

Opposition No. _____

P. O. Box 6006
San Ramon, CA 94583

Commissioner for Trademarks
Box TTAB FEE
2900 Crystal Drive
Arlington, Virginia 22202-3513

Commissioner:

ChevronTexaco Corporation, a corporation duly organized and existing under the laws of the State of Delaware with a principal place of business at 6001 Bollinger Canyon Road, San Ramon, California 94583 ("Opposer"), believes that it would be damaged by the registration of the mark CHEMRON as shown in Application Serial No. 76/433,247, filed July 23, 2002 and published July 15, 2003 in the name of The Lubrizol Corporation for "Chemicals; namely, amines, amine salts, sulfates, surfactants and compounds of surfactants, amphoteric compounds,

Application Serial No. 76/433,247
Notice of Opposition

micronized and milled specially [sic] waxes, emulsifiers, corrosion inhibitors, defoamers, scale inhibitors, sulfosuccinates, alkoxyated alcohols, phenols, nonylphenols, di-nonyphenols, octylphenols, esters, imidazolines, alkyl sulfate/fatty acid esters, alkyl ether sulfate/fatty acid ester blends, oil emulsifiers, dispersants, drilling defoamers and emulsion preventers, and opacifying agents for use in the manufacture of household and industrial and cleaning agents, personal care, cosmetic, agricultural, oilfield, lubricant, and coating products, and for petroleum production and general manufacturing uses” in International Class 1, and hereby opposes same.

As grounds for opposition, it is alleged that:

1. Opposer is actively engaged in the exploration, production, distribution and sale of petroleum and energy products, specifically including lubricants, lubricating oils, fuels, fuel additives in the United States and throughout the world. Opposer, through its predecessors, has been in the oil and petroleum production business since at least as early as the 1870's.
2. Opposer, one of the largest integrated energy companies in the world, is active in more than 180 countries and employs approximately 53,000 people worldwide. Opposer is prominent in every aspect of the energy industry, from oil and gas exploration and production in the oilfields; transportation, refining and retail marketing; chemicals manufacturing and sales; to power production.
3. Since at least as early as 1935 and continuing through the present, Opposer and its predecessor Standard Oil Company of California have used the trade name and trademark

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**Application Serial No. 76/433,247
Notice of Opposition**

CHEVRON in connection with their business and to designate the source of their products and services.

- 4. Opposer and its services, products and trademarks are very well known and famous in the United States and throughout the world. The goods and services are promoted, sold and distributed in the United States and throughout the world. Over at least the past 68 years and continuing through to the present, Opposer has enjoyed high volumes of sales of its petroleum products and Opposer has expended significant amounts for advertising and promoting its CHEVRON name and mark and the associated products and services. By virtue of Opposer's extensive and successful advertising, promotion and sales, Opposer's CHEVRON name and mark has acquired substantial and valuable goodwill, which is owned by Opposer.
- 5. Opposer is the owner of the following U.S. Registrations, among others, that all contain the term CHEVRON.

Mark:		CHEVRON		
<u>Reg. No.</u>	<u>App. No.</u>	<u>App. Date</u>	<u>Reg. Date</u>	<u>Classes</u>
701,175	76,986	7/ 2/1959	7/19/1960	1
521,956	563,640	8/17/1948	3/ 7/1950	1
766,960	165,715	3/29/1963	3/24/1964	1
819,340	236,021	1/ 7/1966	11/29/1966	1
635,744	692,171	7/29/1955	10/16/1956	1
840,269	253,176	8/25/1966	12/12/1967	1
661,819	30,850	5/27/1957	5/20/1958	19

09/29/2007TTAB

**Application Serial No. 76/433,247
Notice of Opposition**

687,775	60,000	10/ 2/1958	11/10/1959	19
416,133	480,844	3/12/1945	8/28/1945	4
364,683	396,698	8/23/1937	2/14/1939	4
658,682	31,043	5/29/1957	2/25/1958	4
582,314	641,578	1/30/1953	11/10/1953	4
630,745	692,170	7/29/1955	7/17/1956	4
660,010	31,042	5/29/1957	4/ 1/1958	2
784,286	185,727	1/30/1964	2/ 2/1965	2
658,620	31,044	5/29/1957	2/18/1958	3

**Mark: CHEVRON
& Chevron
Design**

<u>Reg. No.</u>	<u>App. No.</u>	<u>App. Date</u>	<u>Reg. Date</u>	<u>Classes</u>
973,179	423,628	5/ 8/1972	11/20/1973	1
401,420	71/452876	5/ 7/1942	5/18/1943	19
972,729	423,631	5/ 8/1972	11/13/1973	4
973,035	423,625	5/ 8/1972	11/13/1973	3
888,531	329,526	6/ 9/1969	3/31/1970	1, 2, 5
889,632	329,529	6/ 9/1969	4/21/1970	2
888,144	329,528	6/ 9/1969	3/24/1970	4

All of these registrations predate Applicant's filing date and Applicant's alleged first use date of 1980; the registrations have been registered for well over five years and are incontestable. In addition, Opposer also uses and has registered the mark CHEVRON and marks containing that term in connection with goods and services that include publications, batteries, tires, clothing and clothing accessories, travel services, and credit

09/29/2007TAP

**Application Serial No. 76/433,247
Notice of Opposition**

services. Collectively, these registered marks and Opposer's CHEVRON name and marks as used may be referred to herein as "CHEVRON Marks."

6. Upon information and belief The Lubrizol Corporation is a corporation organized under the laws of the State of Ohio and located at 29400 Lakeland Boulevard, Wickliffe, Ohio 44092 ("Applicant"). Applicant and its related companies are in the business of producing and selling chemicals, systems and services for industry and transportation. Applicant and Opposer are direct competitors in the same trade channels at least with respect to lubricants, fuels and additives, including but not limited to motor vehicle and engine lubricant products, additives for lubricants, fuel additives and fuel technologies.
7. According to the records of the U.S. Patent and Trademark Office, Applicant seeks registration of the mark CHEMRON for "Chemicals; namely, amines, amine salts, sulfates, surfactants and compounds of surfactants, amphoteric compounds, micronized and milled specially [sic] waxes, emulsifiers, corrosion inhibitors, defoamers, scale inhibitors, sulfosuccinates, alkoxyated alcohols, phenols, nonylphenols, di-nonyphenols, octylphenols, esters, imidazolines, alkyl sulfate/fatty acid esters, alkyl ether sulfate/fatty acid ester blends, oil emulsifiers, dispersants, drilling defoamers and emulsion preventers, and opacifying agents for use in the manufacture of household and industrial and cleaning agents, personal care, cosmetic, agricultural, oilfield, lubricant, and coating products, and for petroleum production and general manufacturing uses." Application Serial No. 76/433,247. Applicant's mark CHEMRON is confusingly similar to

09/29/2008TTAB

**Application Serial No. 76/433,247
Notice of Opposition**

Opposer's name and mark CHEVRON. Applicant's goods associated with CHEMRON are identical to, complementary of, and overlapping with Opposer's business and Opposer's goods and services.

8. Opposer's above-identified registrations and business specifically include the production and sale of chemicals, including but not limited to, surfactants, waxes, emulsifiers, corrosion inhibitors, phenols, esters, sulfates, and dispersants. These are all goods expressly identified in Applicant's application. Further, Opposer's use of these and other chemicals includes applications in cleaning agents, cosmetics, lubricants, coating products, petroleum production, agriculture, oilfields, and general manufacturing. All of these uses by Opposer are also uses that Applicant expressly identifies for its goods in its application. In the normal channels of trade as described in Applicant's application, the parties' respective CHEMRON and CHEVRON products, services and businesses will be overlapping and closely related, and likely will have the same customers, be in the same fields and industries, be used in the same locations, and have the same, closely related, and complementary uses.
9. Applicant's filing date of its application for CHEMRON is July 23, 2002 and well after Opposer's first use dates, and the filing and federal registration dates for Opposer's registrations identified above.
10. The mark sought to be registered by Applicant is so similar to the Opposer's federally registered trademarks for CHEVRON identified above, collectively or individually, as to

09/29/2008 11:18 AM

**Application Serial No. 76/433,247
Notice of Opposition**

be likely to cause confusion or to cause mistake or to deceive, and the registration of Applicant's mark would damage Opposer.

11. The mark sought to be registered by Applicant is so similar to Opposer's CHEVRON Marks as previously used by Opposer to designate its business, products and services, as to be likely to cause confusion or to cause mistake or to deceive, and the registration of Applicant's mark would damage Opposer.
12. Because of the similarity of Applicant's CHEMRON mark to Opposer's CHEVRON mark and name as used by Opposer and registered, persons familiar with Opposer and its business and marks will be misled into believing that Applicant's goods are sponsored by, or otherwise associated with Opposer in some way, thereby damaging Opposer.

WHEREFORE, Opposer requests that this Notice of Opposition be sustained and that the mark set forth in Application Serial No. 76/433,247 be denied and the application held abandoned.

Please charge Opposer's USPTO Deposit Account No. 03-1627 for the requisite fees for filing a Notice of Opposition in one class. This Notice of Opposition is being filed in triplicate.

09/29/2003TTAB

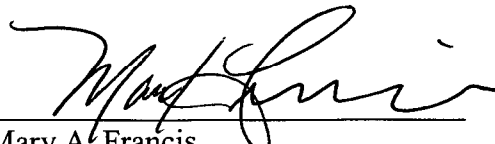
**Application Serial No. 76/433,247
Notice of Opposition**

Please address all correspondence regarding this Opposition to:

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Respectfully submitted,

September 11, 2003




Mary A. Francis
Attorney for Opposer
ChevronTexaco Corporation

CERTIFICATE OF MAILING

I hereby certify that this Notice of Opposition is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Commissioner for Trademarks
Box TTAB FEE
2900 Crystal Drive
Arlington, Virginia 22202-3513

on September 11, 2003.



Mary A. Francis