

ESTTA Tracking number: **ESTTA66679**

Filing date: **02/15/2006**

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

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Archer-Daniels-Midland Company
Granted to Date of previous extension	02/15/2006
Address	4666 Faries Parkway Decatur, IL 62526 UNITED STATES

Attorney information	Mary E. Innis Loeb & Loeb LLP 321 North Clark Street Suite 2300 Chicago, IL 60610 UNITED STATES minnis@loeb.com, nhole@loeb.com Phone:312/464-3100
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Applicant Information

Application No	78519078	Publication date	10/18/2005
Opposition Filing Date	02/15/2006	Opposition Period Ends	02/15/2006
Applicant	Georgia-Pacific Corporation GA030-41N 133 Peachtree Street, N.E. Atlanta, GA 30303 UNITED STATES		

Goods/Services Affected by Opposition

Class 035. All goods and services in the class are opposed, namely: Wholesale distributorship services in the fields of building products, chemicals, consumer products, commercial products, food service products, paper products, packaging and paperboard
Class 040. All goods and services in the class are opposed, namely: custom manufacture of building products, chemicals, consumer products, commercial products, food service products, paper products, packaging and paperboard to the order and/or specification of others

Attachments	RESOURCEFUL Opposition.pdf (4 pages)
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Signature	/mary e innis/
Name	Mary E. Innis
Date	02/15/2006

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

In The Matter of Application Serial No. 78/519,078: RESOURCEFUL BY NATURE

Archer-Daniels-Midland Company,)	
)	
Opposer,)	
)	
v.)	Opposition No. _____
)	
Georgia-Pacific Corporation,)	
)	
Applicant.)	

NOTICE OF OPPOSITION

Archer-Daniels-Midland Company (“ADM”), a Delaware corporation residing at 4666 Faries Parkway, Decatur, Illinois, believes it will be damaged by registration of RESOURCEFUL BY NATURE in International Classes 35 and 40, Application Serial No. 78/519,078 and opposes same.

As grounds for opposition, Opposer alleges that:

1. Opposer is one of the world’s largest agricultural processors, and Opposer offers a wide variety of goods and services under or in connection with its RESOURCEFUL BY NATURE mark. These products, which are listed in Opposer’s application to register its RESOURCEFUL BY NATURE mark, are used in a number of different applications, such as packaging materials, paper, plastics, paints, inks, construction materials, and other industrial, chemical and household products. ADM also uses its RESOURCEFUL BY NATURE mark in connection with consumer products such as food, nutritional supplements, oils, confectionary products, sweeteners, food additives and vitamins. Additionally, Opposer has used its RESOURCEFUL BY NATURE mark in connection with a broad range of business services related to its products, including those listed above.

2. Opposer has continuously used its RESOURCEFUL BY NATURE mark since prior to the November 18, 2004, date of Applicant's application.

3. Opposer has applied to register its RESOURCEFUL BY NATURE mark in the United States Patent and Trademark Office, Application Serial No. 78/564,333, for the following goods:

Chemicals used in industry, agriculture, horticulture, and food manufacture; agricultural by-products for use in chemicals and paints, oils and lubricants for industrial use; fuels and biofuels; vitamins, dietary supplements, nutritional supplements, nutritional food additives for human consumption, nutritional feed additives for animals, nutraceuticals, and soy-derived ingredients therefor; processed foods, processed and partially processed edible oils, edible seeds, textured vegetable protein, soy-based processed foods and foodstuffs; soy-derived additives for foods; staple foods; wheat, corn and soybean flours; corn and corn by-products; soybean and soybean by-products; animal feeds and processed grains; agricultural products and seeds; business services, namely, business consultation and advisory services in the field of agriculture, agribusiness, farming, farm management, food manufacture, food application, fuels, biofuels and industrials, animal feed, grain processing, oilseed processing, nutrition and nutraceuticals, health, transportation, and supply chain management; financial and commodities services; and research in the field of chemistry as applied to food technology.

4. The examining attorney for Opposer's Application Serial No. 78/564,333 has indicated there may be a likelihood of confusion with Applicant's Application Serial No. 78/519,078.

5. Opposer has made extensive sales of its goods and services under or in connection with its RESOURCEFUL BY NATURE mark.

6. Opposer has extensively advertised and promoted its goods and services under or in connection with its RESOURCEFUL BY NATURE mark.

7. By virtue of the extensive sales of Opposer's goods and services offered in connection with its RESOURCEFUL BY NATURE mark, and its extensive advertising and

promotion of its RESOURCEFUL BY NATURE mark, Opposer has built up and now owns an extremely valuable goodwill which is symbolized by its RESOURCEFUL BY NATURE mark.

8. Use and registration by Applicant of RESOURCEFUL BY NATURE for the services set forth in Application Serial No. 78/519,078, namely the custom manufacture of building products, chemicals, consumer products, commercial products, food service products, paper products, packaging and paperboard to the order and/or specification of others and wholesale distributorship services in the fields of building products, chemicals, consumer products, commercial products, food service products, paper products, packaging and paperboard is likely to result in mistake or deception, or in confusion with Opposer or its goods or services marketed in connection with its RESOURCEFUL BY NATURE mark, or in the belief that Applicant or its RESOURCEFUL BY NATURE services are in some way legitimately connected with, or licensed or approved by, Opposer.

9. Upon information and belief, neither Applicant nor any predecessor or related company of Applicant has made use of RESOURCEFUL BY NATURE for any of the services set forth in Application Serial No. 78/519,078 in commerce in the United States prior to November 18, 2005.

10. Applicant's use or intended use of RESOURCEFUL BY NATURE is without Opposer's consent or permission.

WHEREFORE, registration by Applicant of the applied for mark would be damaging to Opposer and Opposer respectfully prays that this opposition be sustained and that Application Serial No. 78/519,078 be denied registration.

Please debit our Deposit Account No. 502876 for the \$600 filing fee and any additional necessary fees. Please address all correspondence to Mary E. Innis, Loeb & Loeb LLP, 321 North Clark St., Suite 2300, Chicago, Illinois 60610.

Dated: February 15, 2006

Respectfully submitted,

LOEB & LOEB LLP

By: /s/ Mary E Innis
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