

ESTTA Tracking number: **ESTTA464052**

Filing date: **03/27/2012**

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	BLANCO GmbH + Co KG		
Entity	GmbH + Co KG	Citizenship	Germany
Address	Flehinger Strasse 59 Oberderdingen, 75038 GERMANY		

Attorney information	Joseph T. Jasper Hanley, Flight & Zimmerman, LLC 150 S. Wacker Dr., Suite 2100 Chicago, IL 60606 UNITED STATES jjasper@hfzlaw.com Phone:312-580-1020
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Applicant Information

Application No	85389037	Publication date	02/28/2012
Opposition Filing Date	03/27/2012	Opposition Period Ends	03/29/2012
Applicant	Laera, Vito 5960 SW 32 Terrace Fort Lauderdale, FL 33312 UNITED STATES		

Goods/Services Affected by Opposition

<p>Class 006. First Use: 2006/01/01 First Use In Commerce: 2006/01/01 All goods and services in the class are opposed, namely: Angle irons of metal; Bolt snaps of metal; Bolts of metal; Building materials, namely, composite panels composed primarily of metal; Building materials, namely, metal countertops for further installation; Building materials, namely, stair nosing of metal; Cladding of metal for construction and building; Construction elements made of metal, namely, braces; Construction elements made of metal, namely, fabricated metal components for building foundations; Construction elements made of metal, namely, shores; Containers of metal for transport; Decorative centerpieces of common metal; Drywall corner bead of metal; Elbows of metal for pipes; Hardware mounting system comprised of metal brackets for bath accessories and decorative hooks; Hardware, namely, metal brackets for general use; Holiday ornaments of common metal; Hose hangers of metal; Identification tags of metal; Identity plates of common metal; Metal bathroom hardware, namely, pulls; Metal bolts; Metal brackets for use in the construction and assembly of decking; Metal building flashing; Metal building material, namely, fascia; Metal building materials, namely, ceiling boards and floor boards; Metal building materials, namely, soffits; Metal cabinet door catches; Metal cabinet stops; Metal cladding for construction and building; Metal clasps for sinks and faucets; Metal clip for sinks and faucets; Metal closures for sinks and faucets; Metal elbows for pipes; Metal fasteners mainly to hold up sinks, namely, bolts, screws and angles; Metal flanges; Metal handles for furniture; Metal hangers for sinks; Metal hardware, namely, nuts; Metal hardware, namely, washers; Metal hooks; Metal hose clamps; Metal hose clips for faucets; Metal hose fittings; Metal hoses for plumbing use; Metal identification bracelets; Metal junctions for pipes;</p>

Metal knobs; Metal mine drilling and working platforms; Metal name plates; Metal nuts; Metal pipe clips; Metal pipe collars; Metal pipe connectors; Metal pipe couplings and joints; Metal pipe fittings; Metal pipe fittings for compressed air pipes; Metal pipe fittings, namely, rosettes; Metal pipe muffers; Metal pipes; Metal pipes and metal fittings therefor; Metal pipes and tubes; Metal pipes for liquid and gas transfer; Metal plugs; Metal slides for sink fastener; Metal thresholds; Metal tiles; Metal tubes; Metal tubes for industrial use; Metal tubing; Metal tubs; Metal wall tiles; Metallic pipes; Metallic pipes and tubes; Metals and metal alloys; Pipe tubes of metal; Pipes and tubes of metal; Pipes of metal; Portable metal buildings; Prefabricated metal buildings; Screw rings of metal; Screws of metal; Towel hooks of metal; Tubes of metal

Class 020. First Use: 2006/01/01 First Use In Commerce: 2006/01/01

All goods and services in the class are opposed, namely: Bathroom furniture; Bathroom vanities; Wall fixtures, namely, plastic three-dimensional designs to be attached to the walls of bathrooms

Class 035. First Use: 2006/01/01 First Use In Commerce: 2006/01/01

All goods and services in the class are opposed, namely: Business advice and analysis of markets; Business advice and commercial information; Business advice and information; Business advice, inquiries or information; Business advisory services, consultancy and information; Business advisory services, namely, search for and selection of the best potential suppliers for others; Business consultation; Business consultation services; Business consulting and information services; Business consulting in the consumer products industry; Business consulting services for the concrete industry; Business consulting services relating to product distribution, operations management services, logistics, reverse logistics, supply chain, and production systems and distribution solutions; Business consulting services, namely, providing a turnkey business solution for reviewing products and services, planning documentation and workflow, hiring technical writers, managing projects for business purposes, tracking user satisfaction, and running usability studies for business purposes; Business consulting, inquiries or information; Business consulting, management, planning and supervision; Business development services; Business development services, namely, providing start-up support for businesses of others; Business efficiency advice; Business feasibility studies; Business information and inquiries; Business knowledge management services; Business management; Business management and advice; Business management and consultation; Business management assistance to industrial or commercial companies; Business management consultancy in the field of purchases, namely, assisting businesses in improvement of purchasing functions; Business management consultancy in the field of transport and delivery; Business management consultancy services; Business management consultancy, also via the Internet; Business management consultation; Business management for shops; Business management in the field of transport and delivery; Business management planning; Business management services, namely, administration of business engaged in building and construction products and components; Business management supervision; Business marketing consulting services; Business merchandising display services; Business monitoring and consulting services, namely, tracking web sites and applications of others to provide strategy, insight, marketing, sales, operation, product design, particularly specializing in the use of analytic and statistic models for the understanding and predicting of consumers, businesses, and market trends and actions; Business monitoring services, namely, tracking web sites of others to provide details about user click traffic or visits to the web site; Business organization advice; Business planning; Business research; Business research consultation; Business research services in the field of market tendencies; Business research services, namely, providing analysis of retail data on specific business locations; Business services, namely, providing an online network for contractors to receive bidding opportunities by means of an online marketplace for the purpose of developing business for sustainable related building products and services; Business services, namely, providing an online network for contractors to receive leads and bidding opportunities by means of an online marketplace for the purpose of developing business; Business services, namely, providing an online network for contractors to receive leads and bidding opportunities by means of an online marketplace for the purpose of developing business in the building and construction products and components industry; Concept and brand development in the building material industry; Developing promotional campaigns for business; General business merchandising services, namely, marketing; Information in business matters; Information services relating to business matters; Market research and business analyses; Offering business management assistance in the establishment and/or operation of building materials and plumbing products; On-line retail store services featuring a wide variety of consumer goods of others; On-line retail store services featuring building and construction products and components; On-line wholesale and retail store services featuring building and construction products and components; Professional business

consultation; Retail building supply store services featuring building and construction products and components; Retail outlets featuring building and construction products and components; Retail store and on-line retail store services featuring building and construction products and components; Retail building and construction products and components stores; Wholesale and retail store services and on-line retail and wholesale store services featuring building and construction products and components; Wholesale and retail store services featuring building and construction products and components; Wholesale stores featuring building and construction products and components

Class 037. First Use: 2006/01/01 First Use In Commerce: 2006/01/01

All goods and services in the class are opposed, namely: Air conditioning contractor services; Carpentry contractor services; Cleaning services, namely, mechanically removing scale and sludge from tubes in steam generators in nuclear power plants; Construction project management services in the field of construction of renewable energy and energy generation equipment support structures and ancillary structures for supporting meteorological data gathering equipment; Contractor services, namely, review of and remedial recommendations for building plumbing, electrical and mechanical systems for others; Drywall and painting contractor services; Drywall contractor services; Electrical contractor services; Foundation contractor services; Framing contractor services; General building contractor services; General construction contracting; General contracting services in the field of flooring; General contractor services provided to the cellular communications industry for installation of cellular communications equipment; General contractor services, namely, plumbing, heating and air conditioning, carpentry, drywall, painting, electrical, building and framing contractor services; Heating contractor services; HVAC contractor services; Installation of electrical and generating machinery; Installation of renewable energy generation equipment; Maintenance, repair, replacement and tuning of components, parts or systems in steam and gas turbine generators; Mechanical contractor services; Painting contractor services; Paving contractor services; Plastering contractor services; Plumbing; Plumbing and gas and water installation; Plumbing contractor services; Plumbing services; Power generation engine cleaning services; Repair of household appliances and of residential heating, plumbing, air conditioning, and electrical systems; Repair or maintenance of power generators; Repair services for electric generators and wind turbines

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	1555655	Application Date	06/21/1984
Registration Date	09/12/1989	Foreign Priority Date	NONE
Word Mark	BLANCO		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 011. First use: First Use: 1963/08/02 First Use In Commerce: 1982/11/30 BASINS, SINKS AND FAUCETS Class 021. First use: First Use: 1963/08/02 First Use In Commerce: 1982/11/30 BOWLS, DRAIN BOARDS, COLANDERS, CHOPPING BOARDS AND SIEVES		

Related Proceedings	Cancellation 92054358
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Attachments	A 175 268f Opposition Statement.pdf (5 pages)(163503 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Joseph T. Jasper/
Name	Joseph T. Jasper
Date	03/27/2012

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

BLANCO GmbH + Co KG)	
)	
Petitioner)	Opposition No. _____
)	
vs.)	Mark: VLANCO
)	
Vito Laera)	Application No. 85/389,037
)	
Defendant.)	

NOTICE OF OPPOSITION

On March 27, 2012, BLANCO GmbH + Co KG (hereinafter “BLANCO”), filed an Amended Counterclaim in Cancellation Proceedings 92054358 to add this Notice of Opposition. The Amended Counterclaim is incorporated herein by reference in its entirety.

This is a Notice of Opposition against U.S. Trademark Application No. 85/389,037 for “VLANCO,” owned by the Defendant, on the grounds of likelihood of confusion with and dilution of U.S. Trademark Registration No. 1,555,655 for “BLANCO.”

FACTS

1. BLANCO is the owner of Trademark Reg. No. 1,555,655 for the mark BLANCO.
2. Reg. No. 1,555,655 was registered on September 12, 1989.
3. Reg. No. 1,555,655 covers:

International Class 011 for basins, sinks and faucets, first used on August 2, 1963, and first used in commerce on November 30, 1982; and
International Class 021 for bowls, drain boards, colanders, chopping boards and sieves, first used on August 2, 1963, and first used in commerce on November 30, 1982.

4. Defendant, Vito Laera, is the owner of U.S. Trademark Application No. 85/389,037 for the mark VLANCO (the “Pending VLANCO Mark”).

5. The Pending VLANCO Mark was published on February 28, 2012.

6. The Pending VLANCO Mark covers:

International Class 006 for metal clasps for sinks and faucets, metal clip for sinks and faucets, metal closures for sinks and faucets, metal fasteners mainly to hold up sinks, namely, bolts, screws and angles, metal hangers for sinks, metal hose clips for faucets, metal hoses for plumbing use, metal pipes for liquid and gas transfer, metal slides for sink fastener, and others, allegedly first used on January 1, 2006, and allegedly first used in commerce on January 1, 2006;

International class 020 for bathroom furniture, bathroom vanities, and others, allegedly first used on January 1, 2006, and allegedly first used in commerce on January 1, 2006;

International class 035 for offering business management assistance in the establishment and/or operation of building materials and plumbing products, retail building supply store services featuring building and construction products and components, retail outlets featuring building and construction products and components, retail store and on-line retail store services featuring building and construction products and components, retail building and construction products and components stores, wholesale and retail store services and on-line retail and wholesale store services featuring building and construction products and components, wholesale and retail store services featuring building and construction products and components, wholesale stores featuring building and construction products and components, and others, allegedly first used on January 1, 2006, and allegedly first used in commerce on January 1, 2006; and

International class 037 for plumbing, plumbing and gas and water installation, plumbing contractor services, plumbing services, and others, allegedly first used on January 1, 2006, and allegedly first used in commerce on January 1, 2006.

7. The BLANCO mark was and has been famous prior to the first use of the Registered VLANCO Mark and the Pending VLANCO Mark.

8. Based at least on the fame of the BLANCO mark, Defendant was aware of the BLANCO mark when he started using the Pending VLANCO Mark and that he intentionally adopted the Pending VLANCO Mark to trade on the goodwill associated with the use of the BLANCO mark.

9. To the best of BLANCO's knowledge, the correspondence address for Vito Laera is 5960 SW 32 Terrace, Fort Lauderdale, FL 33312.

10. This Notice of Opposition is being filed within 30 days after the publication of the Pending VLANCO Mark.

11. BLANCO has a priority of use in the mark BLANCO that is prior to Mr. Laera's rights in the Pending VLANCO Mark.

12. The Pending VLANCO Mark should not be registered under the Trademark Act § 2(d), 15 U.S.C. § 1052(d) because the Pending VLANCO Mark so resembles the mark BLANCO as to be likely, when used on or in connection with the goods or services of the Pending VLANCO Mark (e.g., metal closures for sinks and faucets, bathroom vanities, on-line retail store services featuring building and construction products and components, plumbing, and others), to cause confusion, or to cause mistake, or to deceive.

13. The Pending VLANCO Mark should not be registered under the Trademark Act § 43(c), 15 U.S.C. § 1025(c), 15 U.S.C. § 1052(f) because the Pending VLANCO Mark would cause and/or causes dilution of the BLANCO mark.

14. The likelihood of confusion, mistake, and deceit and the dilution created by the Pending VLANCO Mark will damage and/or will continue to damage BLANCO.

15. The foregoing facts show that the BLANCO has a real interest and a direct and personal stake in the registration of the Pending VLANCO Mark and a reasonable basis for its belief that it would suffer damage if the mark is registered.

PRAYER FOR RELIEF

WHEREFORE, BLANCO respectfully requests that the Opposition be granted.

Respectfully submitted,

/Joseph T. Jasper/

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Attorneys for Petitioner

Dated: March 27, 2012

CERTIFICATE OF SERVICE

I hereby certify that the above and foregoing NOTICE OF OPPOSITION was served upon Counterclaim Defendant by depositing a copy of same with the United States Postal Service, first class postage prepaid, on this date, addressed to:

Vito Laera
5960 SW 32 Terrace
Fort Lauderdale, FL 33312

Dated: March 27, 2012

/Heather Siscel/

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