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

SOLVAY S.A.)
)
Opposer,)
)
v.)
)
DYNASOL ELASTOMEROS, S.A. DE C.V.)
)
Applicant.)
)

Opposition No. _____
Application Serial No. 85/523560

Attorney's Reference: 32232-346277

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NOTICE OF OPPOSITION

In the matter of the application for registration of the trademark **Solprene** filed by DYNASOL ELASTOMEROS, S.A. DE C.V. ("Applicant"), as shown in Application Serial No. 85/523560 published for opposition in the *Official Gazette* of September 18, 2012.

Solvay S.A. ("Opposer"), a Belgian corporation with its address at 33 rue du Prince Albert, Brussels, B-1050, Belgium believes that it will be damaged by registration of the mark shown in said Application Serial No. 85/523560, and hereby opposes the same:

As grounds for opposition it is alleged that:

1. Opposer, itself and through its subsidiaries and related companies, is now, and for many years has been, engaged in the business of manufacturing and marketing, among other things, artificial and synthetic resins and plastics.



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2. Opposer is the owner of U.S. Trademark Registration No. 3672401 issued August 25, 2009 for the mark SOLVENE covering, “Products of semi-worked plastics and synthetic resins in the form of pellets, rods, foils, foams, fibers, films and sheets; Semi-finished elements made from plastic material and synthetic resins, in the form of foils, bars, blocks, pellets, sheets, tubes, profiles and plates, for use in manufacturing.”
3. Opposer is the owner of U.S. Trademark Registration No. 2,810,114 issued February 3, 2004 for the mark SOLEXIS covering “Plastics in extruded form for use in manufacture in the form of compounds, rods, sheets, tubes and plates; insulating resins for general industrial use and for use in further manufacture.”
4. The Applicant has not used the trademark **Solprene** in the United States on or in connection with the goods listed in its application.
5. Applicant did not use the trademark **Solprene** in the United States for the goods described in its application prior to August 25, 2009.
6. Applicant did not use the trademark **Solprene** in the United States for the goods described in its application prior to February 3, 2004.
7. Opposer’s trademarks SOLVENE and SOLEXIS in the United States are prior to any use of the mark **Solprene** that may be alleged or relied upon by Applicant.

8. The goods for which Applicant seeks to register the mark **Solprene** are related to the goods listed in Opposer pleaded registrations.
9. The trademark **Solprene** sought to be registered by the Applicant is substantially similar to Opposer's trademarks SOLVENE and SOLEXIS.
10. Consumers are likely to be confused and to mistakenly believe that Applicant's products offered under its **Solprene** mark either emanate from or are licensed by, sponsored by, or associated with Opposer.
11. If the Applicant were permitted to use and register its mark for its goods as specified in its application, confusion among consumers resulting in damage and injury to Opposer would be caused by virtue of the similarity between Applicant's trademark and Opposer's trademarks, and the related nature of the goods covered by those marks. Any defect, objection or fault found with Applicant's goods would reflect upon, seriously injure the reputation and value that Opposer has established under its trademark.

WHEREFORE, Opposer prays that Application Serial No. 85/523560 be rejected, that no registration be issued thereon to Applicant, and that this opposition be sustained in favor of the Opposer.

This Notice of Opposition is submitted in duplicate, together with the statutory filing fee of \$300.00 (Class 17). Should any additional fee be required, please charge the same to our Account No. 22-0261 and notify the undersigned accordingly.

Opposer appoints Mark B. Harrison, Janet Satterthwaite, Rebecca Liebowitz, Michael Hall, Jeremy Klass, and Jacqueline Patt, along with the law firm of Venable LLP, P.O. Box 34385, Washington, D.C. 20043-9998 to transact all business on its behalf in connection with this Opposition.

Respectfully submitted,



Date: March 15, 2013

By: _____

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing **NOTICE OF OPPOSITION** was served by U.S. Mail, first class, postage prepaid, on this 27th day of December, 2010, on the Applicant's counsel at the address listed in the current U.S. Trademark Office Records as follows:

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Mark Harrison