

ESTTA Tracking number: **ESTTA551801**

Filing date: **08/01/2013**

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	Ziebart International Corporation
Granted to Date of previous extension	08/03/2013
Address	1290 E Maple Rd Troy, MI 48083 UNITED STATES

Correspondence information	Kimberly Berger Miller, Canfield, Paddock & Stone, PLC 150 W. Jefferson, Ste. 2500 Detroit, MI 48226 UNITED STATES berger@millercanfield.com Phone:3134967912
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### Applicant Information

Application No	85555288	Publication date	06/04/2013
Opposition Filing Date	08/01/2013	Opposition Period Ends	08/03/2013
Applicant	QUEST SPECIALTY COATINGS, LLC N92 W14701 ANTHONY AVENUE MENOMONEE FALLS, WI 53051 UNITED STATES		

### Goods/Services Affected by Opposition

Class 002. All goods and services in the class are opposed, namely: Paints, primers, and clear coating protectants for fleet vehicles and machinery in the automotive, industrial, original equipment manufacturers and maintenance and repair markets, specifically excluding polyurethane coatings
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### Applicant Information

Application No	85555285	Publication date	06/04/2013
Opposition Filing Date	08/01/2013	Opposition Period Ends	
Applicant	QUEST SPECIALTY COATINGS, LLC N92 W14701 ANTHONY AVENUE MENOMONEE FALLS, WI 53051 UNITED STATES		

### Goods/Services Affected by Opposition

Class 002.
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All goods and services in the class are opposed, namely: Paints, primers, and clear coating protectants for fleet vehicles and machinery in the automotive, industrial, original equipment manufacturers and maintenance and repair markets, specifically excluding polyurethane coatings

## Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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## Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	2248258	Application Date	08/27/1997
Registration Date	05/25/1999	Foreign Priority Date	NONE
Word Mark	Z-LINER		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 040. First use: First Use: 1998/04/00 First Use In Commerce: 1998/04/00 applying protective coatings, namely, spray-on bed liners for vehicles		

Attachments	ZLINEword1.pdf(14957 bytes ) ZLINEdesign.pdf(14871 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	/Kimberly A. Berger/
Name	Kimberly Berger
Date	08/01/2013

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

In re Application of : ZLINE  
Serial No. : 85/555,288  
Filed : February 28, 2012  
Applicant : Quest Specialty Coatings, LLC  
Published : June 4, 2013

Ziebart International Corporation,

Opposer,

v.

Quest Specialty Coatings, LLC,

Applicant.

Opposition No. \_\_\_\_\_

Serial No.: 85/555,288

**NOTICE OF OPPOSITION**

Ziebart International Corporation, a Michigan corporation, having a principal place of business at 1290 East Maple Road, Troy, Michigan 48083, (hereinafter “Opposer”) believes that it will be damaged by the registration of the trademark shown in United States Trademark Application Serial No. 85/555,288 and, therefore, opposes registration of this trademark under the provisions of Section 13 of the Trademark Act of 1946, 15 U.S.C. § 1063, and Rule 2.101 of the Trademark Rules of Practice, 37 C.F.R. § 2.101.

As grounds for this opposition, Opposer alleges the following:

1. The Opposer, Ziebart International Corporation (“Ziebart”), which was founded in 1959, is a worldwide leader in the market of automobile appearance and protection products and

services, with approximately 400 locations in 31 countries, which can be confirmed on its website, "[www.ziebart.com](http://www.ziebart.com)".

2. Ziebart offers a full line of automobile appearance and protection goods and services including, but not limited to, rust protection, professional detailing, paint protection, underbody sound barrier, sprayed-on bed liners, automotive glass repair, window tint, truck accessories, electronics, and scratch repair services.

3. Since at least as early as April 1998, long prior to Applicant's filing of its intent-to-use application herein opposed, Opposer adopted, used, and continues to use the trademark Z-LINER on or in connection with applying protective coatings, namely, spray-on bed liners for vehicles. Since the date of first use by Opposer of the Z-LINER trademark, Opposer has continuously used its trademark to identify and distinguish Opposer's goods and services from others.

4. Opposer owns incontestable United States Trademark Registration No. 2,248,258 issued May 25, 1999 for the trademark Z-LINER for "applying protective coatings, namely, spray-on bed liners for vehicles" in International Class 40. This Registration is valid and subsisting.

5. Opposer's Z-LINER trademark has become well known and represents valuable goodwill for Opposer through considerable expense in advertising and promoting Opposer's goods and services.

6. By filing the intent-to-use application herein opposed, Applicant seeks to register the trademark ZLINE for, among other things, "paints, primers, and clear coating protectants for fleet vehicles and machinery in the automotive, industrial, original equipment manufacturers and

maintenance and repair markets, specifically excluding polyurethane coatings” in International Class 2.

7. Applicant has also filed an intent-to-use application to register the trademark ZLINE & Design, serial no. 85/555,285 for, among other things, “paints, primers, and clear coating protectants for fleet vehicles and machinery in the automotive, industrial, original equipment manufacturers and maintenance and repair markets, specifically excluding polyurethane coatings” in International Class 2.

8. Upon information and belief, Applicant did not use the ZLINE and ZLINE & Design trademarks in commerce in association with the applied-for goods prior to the February 28, 2012 filing date of the subject Applications.

9. Applicant’s trademarks ZLINE and ZLINE & Design are so similar to Opposer’s trademark Z-LINER in appearance, sound, connotation and commercial impression so as to cause a likelihood of confusion among consumers when used in connection with Applicant’s applied-for goods.

10. Applicant’s goods offered under the ZLINE and ZLINE & Design trademarks are closely commercially related to the services identified by Opposer’s Z-LINER trademark such that purchasers, prospective purchasers, persons in the industry and the public are likely to believe that Applicant’s goods and Opposer’s services originate from the same source or that Applicant and Opposer are affiliated or associated with each other.

11. The goods covered by Applicant’s intent-to-use applications for the trademarks ZLINE and ZLINE & Design will be encountered by the same or a similar class of purchasers as those who are interested in or familiar with the services promoted, offered and provided by

Opposer under the Z-LINER trademark.

12. Applicant's use of the trademarks ZLINE and ZLINE & Design so closely resembles Opposer's use of the trademark Z-LINER that potential purchasers of the goods to be offered under Applicant's trademarks are likely to believe that Opposer is the source of such goods, or that Opposer has authorized, sponsored, approved of, or in some other manner associated itself with Applicant's goods, thereby creating a likelihood of confusion, mistake or deception in violation of section 2(d) of the Trademark Act, 15 U.S.C. 1052(d), as amended.

13. Registration of the trademarks ZLINE and ZLINE & Design to Applicants would diminish the commercial value of Opposer's trademark Z-LINER and therefore, would be a source of damage and injury to Opposer.

WHEREFORE, it is respectfully requested that the opposition be sustained and registration of Application Serial No. 85/555,288 be refused for the goods set forth in International Class 2.

This Notice of Opposition is submitted electronically through ESTTA, together with payment in the amount of \$300.00 for the statutory filing fee. Please charge any deficiency or credit any overpayment to the undersigned's Deposit Account No. 50-3372.

Respectfully submitted,

MILLER, CANFIELD, PADDOCK  
AND STONE, P.L.C.  
Attorneys for Opposer

Dated: August 1, 2013

By: Kimberly A. Berger/  
Kimberly A. Berger  
150 W. Jefferson, Suite 2500  
Detroit, MI 48226  
Phone: (313) 496-7912  
Facsimile: (313) 496-8454

In re Application of : ZLINE  
Serial No. : 85/555,288  
Filed : February 28, 2012  
Applicant : Quest Specialty Coatings, LLC  
Published : June 4, 2013

Opposition No. \_\_\_\_\_

**CERTIFICATE OF SERVICE**

I hereby certify that a true and complete copy of the foregoing NOTICE OF OPPOSITION has been served on Applicants by mailing said copy on August 2, 2013, via First Class Mail, postage prepaid to:

**Applicant:**

Quest Specialty Coatings, LLC  
N92 W14701 Anthony Avenue  
Menomonee Falls, WI 53051

and

**Attorney of Record for Applicant:**

John Pickerill  
Frederikson & Byron, P.A.  
200 S 6th Street, Suite 4000  
Minneapolis, MN 55402

MILLER, CANFIELD, PADDOCK AND STONE, P.L.C.  
Attorneys for Opposer

By: /Kimberly A. Berger/  
Kimberly A. Berger  
150 W. Jefferson, Suite 2500  
Detroit, MI 48226  
Phone: (313) 496-7912  
Facsimile: (313) 496-8454



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

In re Application of : ZLINE & Design  
Serial No. : 85/555,285  
Filed : February 28, 2012  
Applicant : Quest Specialty Coatings, LLC  
Published : June 4, 2013

Ziebart International Corporation,

Opposer,

v.

Quest Specialty Coatings, LLC,

Applicant.

Opposition No. \_\_\_\_\_

Serial No.: 85/555,285

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As grounds for this opposition, Opposer alleges the following:

1. The Opposer, Ziebart International Corporation (“Ziebart”), which was founded in 1959, is a worldwide leader in the market of automobile appearance and protection products and

services, with approximately 400 locations in 31 countries, which can be confirmed on its website, “[www.ziebart.com](http://www.ziebart.com)”.

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Respectfully submitted,

MILLER, CANFIELD, PADDOCK  
AND STONE, P.L.C.  
Attorneys for Opposer

Dated: August 1, 2013

By: Kimberly A. Berger  
Kimberly A. Berger  
150 W. Jefferson, Suite 2500  
Detroit, MI 48226  
Phone: (313) 496-7912  
Facsimile: (313) 496-8454

In re Application of : ZLINE & Design  
Serial No. : 85/555,285  
Filed : February 28, 2012  
Applicant : Quest Specialty Coatings, LLC  
Published : June 4, 2013

Opposition No. \_\_\_\_\_

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Quest Specialty Coatings, LLC  
N92 W14701 Anthony Avenue  
Menomonee Falls, WI 53051

and

**Attorney of Record for Applicant:**

John Pickerill  
Frederikson & Byron, P.A.  
200 S 6th Street, Suite 4000  
Minneapolis, MN 55402

MILLER, CANFIELD, PADDOCK AND STONE, P.L.C.  
Attorneys for Opposer

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