

ESTTA Tracking number: **ESTTA770452**

Filing date: **09/14/2016**

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	REPSOL S.A.		
Entity	SOCIEDAD ANONIMA	Citizenship	Spain
Address	Mendez Alvaro 44 Madrid, 28045 SPAIN		

Correspondence information	Stewart J. Bellus & Sara M. Dorchak Collard & Roe, P.C. 1077 Northern Boulevard Roslyn, NY 11576 UNITED STATES sbellus@collardroe.com Phone:5163659802
----------------------------	---

### Applicant Information

Application No	86957484	Publication date	08/16/2016
Opposition Filing Date	09/14/2016	Opposition Period Ends	09/15/2016
Applicant	Carolina International Sales Co., Inc 2629 Hidden Falls Dr Buford, GA 30519 UNITED STATES		

### Goods/Services Affected by Opposition


Class 001. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Chemical preparations, namely, cleaning and degreasing solvents
--

### Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
Dilution by blurring	Trademark Act Sections 2 and 43(c)

### Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	4503602	Application Date	10/31/2012
Registration Date	04/01/2014	Foreign Priority Date	05/04/2012
Word Mark	REPSOL		

Design Mark	
Description of Mark	The mark consists of the following: a stylized orange, white, and red circle above the word "REPSOL" in blue.
Goods/Services	<p>Class 001. First use: First Use: 0 First Use In Commerce: 0</p> <p>Chemicals used in industry, science and photography, and in agriculture, horticulture and forestry; chemicals used in industry, namely, chemical polymers of rubbers, polyols, polyolefins, chemical monomers of rubbers, polyols, polyolefins, chemical additives for use of polymers and plastics to improve their properties, chemicals used for oil drilling, hydrogen, ethylene, propylene, butene and butadiene, benzene and benzene derivatives for chemical and industrial use, alkaline metals and rare earth metals, metallic substrate materials for catalysts, inorganic catalysts, organic catalysts, and chemicals used for physical-chemical processes oriented chemical manufacturing or power generation; unprocessed artificial resins, unprocessed plastics; fertilizers for soil and potting soil; fire extinguishing compositions; tempering preparations and soldering chemicals; chemical substances, namely, ascorbic acid, sodic sorbate and sulfites for preserving foodstuffs; tanning agents for use in the manufacture of leather; adhesives for use in industry; synthetic materials, namely, activated carbon, absorbents and adsorbents for absorbing oil; vulcanization accelerators, namely, dithiocarbamates, xanthates, thiazoles; acetates; acetone; acids and acid-resistant chemical compounds; activated carbon for metal extraction, water purification and sewage treatment; liquids chemicals for removing sulfates from batteries and solutions for preventing foaming therein; chemical additives for motor fuels; coolants for vehicle engines; agglutinants for concrete; distilled water; aluminumized paper; chemical preparations for facilitating the alloying of metals; chemicals preparations for preserving foodstuffs; chemicals for laboratory analyses, other than for medical or veterinary use; adhesives for wall tiles; catalysts for chemical and biochemical processes and biochemical catalyst; chemical bleaches for industrial use; fuel-saving agents, namely, bio-fuels, oil and combustion improvers; preservatives for masonry; degreasing and cleaning solvents for varnishes; emulsifiers for use in the manufacture of leather and textiles; epoxy resins, unprocessed; detergent additives for gasoline; anti-knock substances for internal combustion engines; coolants for vehicle engines; compositions, namely, adhesive resins and vulcanizing agents for repairing tires; agents, namely, chemicals for breaking down petroleum; oil and water purifiers; vulcanizing preparations, namely, sulfur and metal oxides; chemical polymers of various types as rubbers, polyols, polyolefins, and their</p>

precursor monomers; chemical additives for use of polymers and plastics to improve their properties; chemicals used for oil drilling, both standards as shale gas, fracking and other new technologies; hydrogen, ethylene, propylene, butene and butadiene, benzene and its derivatives for various chemical and industrial use; metals and catalysts both metallic, inorganic and organic chemicals used for physical-chemical processes oriented chemical manufacturing or power generation

Class 004. First use: First Use: 0 First Use In Commerce: 0

Oils and greases for industrial use; all-purpose lubricants; dust absorbing, wetting and binding compositions, namely, oil and greases, waxes; fuels for gasoline for engines, diesel and LPG for engines and other gaseous fuels, namely, hydrogen and methane, propane; fuels derived from methanol, ethanol, propanol and illuminating materials, namely, liquid and solid fuels and gas lighting; bio-fuels; candles and wicks for candles for lighting; fuel oil; heavy gas oils and mixtures, namely, petroleum products derived from fractional distillation and conversion; non-chemical additives for motor fuel; methylated spirits for fuel; combustible briquettes; general purposes greases and greasing oils; fuel gas; electrical energy; petroleum, namely, petroleum ether and petroleum jelly for industrial use; biofuels; waxes of various types

Class 012. First use: First Use: 0 First Use In Commerce: 0

Land vehicles for locomotion by land, air or water; vehicle seats and vehicle seat covers; anti-skid chains for vehicles; fitted covers for vehicles

Class 025. First use: First Use: 0 First Use In Commerce: 0

Clothing, namely, shirts, blouses, pants, sweaters, jackets, coats, overalls, socks and underwear, footwear, headgear, namely, caps, hats, visors, helmet liners; leather clothes, namely, overalls, jackets and pants and dresses; neckties; gloves; singlets; ascots; sports and gymnastics apparel, namely, sweat-shirts, jerseys, pants, socks; jackets, blazers and oilskins, namely, waterproofed jackets, coats, trousers, pants, and overalls; headgear, namely, caps, hats made of leather or imitation leather; jackets, pants, overalls, made of fabric, leather and imitation leather for sports and competition, especially in motor sports; hats, visors, and scarves; balaclavas, socks and belts, namely, money belts; underwear; boots; footwear for sports; non-slip soles for footwear; shoes and boots for riding motorcycles; boot covers, gloves and glove liners; mittens

Class 028. First use: First Use: 0 First Use In Commerce: 0

Games and toys, namely, scale model vehicles and collectable toy figures; word games in the nature of educational toys to develop language and language skills; educational toys for developing counting skills; board games; card games; transformable toys in the nature of toy action figures, toy vehicles and toy robots convertible into other visual forms, scale models kits and collection figures; radio-controlled and remote controlled toy vehicles; miniatures in the nature of miniature model cars, miniature model, miniature model motorcycles, miniature model bicycles, miniature model off-road vehicles, and accessories for miniature toy vehicles, namely, play sets for use with miniature toy vehicles, namely, such as miniature model ramps, miniature model tracks, miniature model buildings, miniature model structures, miniature toy tools and miniature toy hardware for use with the miniature toy vehicles, and carrying cases specially adapted for play sets for use with miniature toy vehicles

Class 037. First use: First Use: 0 First Use In Commerce: 0

Construction services in the field of petroliferous plant construction and renovation of buildings; repair of energy facilities services; installation of service stations; vehicle service stations; wells; drilling of wells; oil wells drilling

Class 040. First use: First Use: 0 First Use In Commerce: 0

Treatment of materials, namely, treatment of energy, fuel and petroleum products and other fossil fuels or renewable energy; refining and processing of petroleum and derivatives; crude oil and petroleum extraction; gas extraction;

	<p>production of energy; waste treatment services and vulcanization</p> <p>Class 041. First use: First Use: 0 First Use In Commerce: 0</p> <p>Education services, namely, providing seminars, workshops and classes in the field of energy and science; training in the use of energy and science; entertainment services, namely, automobile and motorcycle races and competitions; providing information relating to organizing community sporting and cultural activities; organization of sports competitions; providing facilities for educational conventions; publication of books</p> <p>Class 042. First use: First Use: 0 First Use In Commerce: 0</p> <p>Scientific and technological services, namely, research and design in the field of energy, fuels, biofuels and petroleum products and other fossil fuels or renewable; industrial analysis and research in the field of energy, fuels, biofuels and petroleum products and other fossil fuels or renewable energy; design and development of computer hardware and software; oil prospecting and scientific and technological analysis for the oil prospecting; technical project study services, namely, scientific study and research in the fields of energy, fuels, biofuels and petroleum products and other fossil fuels or renewable energy; geological oil prospecting and research; oil-well testing; oil-field surveys; chemical and technical research services, namely, technical research in the fields of energy, fuels, biofuels and petroleum products and other fossil fuels or renewable energy</p>
--	---

Attachments	79124578#TMSN.png( bytes ) Notice of Opposition.pdf(119616 bytes )
-------------	---

### 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	/sjb/
Name	Stewart J. Bellus & Sara M. Dorchak
Date	09/14/2016

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

REPSOL, S.A.	X	
	)	
	)	
Opposer,	)	
	)	
	)	Opposition No.
	)	Serial No. 86957484
v.	)	
	)	
CAROLINA INTERNATIONAL SALES CO., INC.	)	
	)	
	)	
Applicants	)	
	)	
	X	

**NOTICE OF OPPOSITION**

In the matter of an application for registration of the trademark REVSOL for goods in Class 1, filed on March 30, 2016 under Serial No. 86/957,484 by CAROLINA INTERNATIONAL SALES CO., INC. (“Applicant”), REPSOL, S.A. (“Opposer”) believes it will be damaged by registration of said application and opposes same. The grounds for opposition are as follows:

(BACKGROUND)

1. Opposer is a Societie Anonimia organized under the laws of Spain and located at Mendez Alvaro 44, Madrid, Spain 28045.
  
2. Opposer’s mark REPSOL (U.S. Registration No. 4,503,602) issued on April 1, 2014, based on a filing date of October 31, 2012 (OPPOSER’S MARK).

3. Application No. 86/957,484 was filed on March 30, 2016, based on an intent to use, so that filing date is the earliest date upon which Applicant can rely as its “first use date.”

4. Opposer’s rights in OPPOSER’S MARK dates back to its filing date of October 31, 2012. This date is long before Applicant’s “first use date” of March 30, 2016, so Opposer has prior rights.

Count I (Likelihood of Confusion)

5. Opposer incorporates by reference all the allegations contained in paragraphs 1-4 of this Notice of Opposition.

6. The commercial impression of Applicant’s mark REVSOL is extremely similar to OPPOSER’S MARK containing the term REPSOL.

7. Applicant’s goods, as described in Application Serial Number 86/957,484, are identical or closely related to goods described in the registration for OPPOSER’S.

8. Due to similarities between Opposer’s and Applicant’s marks and the identical or closely related goods upon which those marks are used, there is a likelihood that consumers will be confused, mistaken and/or deceived into believing that Applicant’s goods emanate from, or in some way are associated or connected with, or sponsored, authorized or warranted by Opposer,

all to the detriment of Opposer, and Opposer will be damaged if a registration is granted to Applicant.

Count II (Dilution by Blurring)

9. Opposer incorporates by reference the allegations contained in paragraphs 1-8 of this Notice of Opposition.

10. OPPOSER'S MARK is famous and distinctive throughout the United States, and was famous and distinctive before Applicant's first use of its REVSOL mark. OPPOSER'S MARK has been used and advertised extensively, and is widely recognized by consumers and those in the trade as a designation of source for the goods of Opposer, and is therefore a famous and distinctive mark.

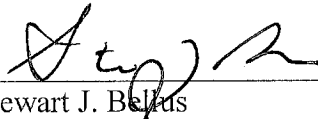
11. Applicant's use of its REVSOL mark is in violation of Section 43(c) of the Lanham Act in that Applicant is likely to cause dilution by blurring by creating a likelihood of association with OPPOSER'S MARK.

12. Applicant's use of its REVSOL mark will cause an association arising from the similarity with OPPOSER'S MARK that will cause dilution by blurring and impair the distinctiveness of

OPPOSER'S MARK, all to the detriment of Opposer who will be damaged by Applicant's use of its REVSOL mark.

WHEREFORE, Opposer requests that this opposition be sustained and that the requested registration of Applicant's mark in Application Serial Number 86/957,484 be denied.

REPSOL, S.A.



---

Stewart J. Bellus  
Sara M. Dorchak  
COLLARD & ROE, P.C.  
1077 Northern Boulevard  
Roslyn, New York 11576  
Telephone: (516) 365-9802  
Facsimile: (516) 365-9805  
Email: [sbellus@collardroe.com](mailto:sbellus@collardroe.com)  
[sdorchak@collardroe.com](mailto:sdorchak@collardroe.com)

Attorneys for Opposer REPSOL, S.A.

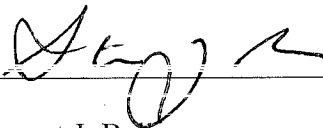
Date: September 14, 2016



**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the forgoing NOTICE OF OPPOSITION has this 14<sup>th</sup> day of September 2016 been sent by prepaid First Class Mail to:

Christopher Civil  
Raj Abhyanker, P.C.  
451 North Shoreline Blvd.  
Mountain View, California 94043

  
\_\_\_\_\_  
Stewart J. Bellus