

ESTTA Tracking number: **ESTTA821943**

Filing date: **05/18/2017**

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	Alpha Assembly Solutions Inc.		
Entity	Corporation	Citizenship	Delaware
Address	245 Freight Street Waterbury, CT 06702 UNITED STATES		

Attorney information	John L. Cordani, Jr. Carmody Torrance Sandak & Hennessey LLP 195 Church Street P.O. Box 1950 New Haven, CT 06509-1950 UNITED STATES trademarks@carmodylaw.com, jlcordani@carmodylaw.com Phone:2037843110		
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Applicant Information

Application No	87248409	Publication date	04/25/2017
Opposition Filing Date	05/18/2017	Opposition Period Ends	05/25/2017
Applicant	SML Verwaltungs GmbH Große Ahlmeile 31 Rohrbach, 76865 GERMANY		

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: Chemicals used in industry, namely, for pipe remediation; chemicals used in science, agriculture, horticulture and forestry; unprocessed artificial resins, unprocessed plastics; fire extinguishing compositions; tempering chemicals used in soldering; soldering chemicals; adhesives used in industry; chemicals for sewer remediation, soil consolidation and building construction; chemical sealing preparations for pipe remediation

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
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Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	1277584	Application Date	03/01/1982
Registration Date	05/15/1984	Foreign Priority Date	NONE
Word Mark	ALPHA		
Design Mark			

Description of Mark	NONE
Goods/Services	Class 001. First use: First Use: 1960/00/00 First Use In Commerce: 1960/00/00 Chemical Preparations for Soldering-Namely, Solder Fluxes, Soldering Injection Oils to Reduce Oxide Formation on BridgeConduction Lines, Surface Conditioners to Prepare Surfaces for Soldering, Protective Coatings to Maintain Solderabilityof Surfaces and Solvent and Aqueous Cleaners to Remove Residues and Containments Before and After Soldering Class 006. First use: First Use: 1971/00/00 First Use In Commerce: 1971/00/00 Pastes Containing Metal Powder for Use in Copper Brazing

U.S. Registration No.	4672146	Application Date	05/24/2012
Registration Date	01/13/2015	Foreign Priority Date	NONE

Word Mark	ALPHA A
Design Mark	

Description of Mark	The mark consists of the wording "ALPHA" with a stylized "A".
Goods/Services	Class 001. First use: First Use: 2012/12/31 First Use In Commerce: 2012/12/31 CHEMICALS, NAMELY, SOLDERING FLUX; INDUSTRIAL CHEMICALS USED FOR CLEANING CIRCUIT BOARDS AND SURFACE MOUNT DEVICES; INDUSTRIAL ADHESIVES USED FOR SURFACE MOUNTAPPLICATIONS; UNPROCESSED POLYMERS, NAMELY, EPOXIES, SILICONES, ACRYLICS, PHENOLICS, POLYESTERS, POLYSUFONES, POLYCARBONATES, POLYSTYRENES, POLYURETHANES

U.S. Registration No.	4365640	Application Date	04/02/2012
Registration Date	07/09/2013	Foreign Priority Date	NONE

Word Mark	ALPHA A
Design Mark	

Description of Mark	The mark consists of the wording "ALPHAA" in stylized font.
Goods/Services	Class 006. First use: First Use: 2006/07/31 First Use In Commerce: 2006/07/31

	METAL GOODS, NAMELY, BAR SOLDER, SOLDERPASTE, SOLDER PRE-FORMS, SOLDER WIRE
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Attachments	85633956#TMSN.png(bytes) 85586841#TMSN.png(bytes) Opposition to Alfapipe 409 Application.pdf(45558 bytes)
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Signature	/John L. Cordani, Jr./
Name	John L. Cordani, Jr.
Date	05/18/2017

in soldering; soldering chemicals; adhesives used in industry; chemicals for sewer remediation, soil consolidation and building construction; chemical sealing preparations for pipe remediation.”

2. On information and belief, the Opposed Application was filed by SML Verwaltungs GmbH of Grobe Ahlmuhle 31, Rohrbach, Germany 76865 on November 30, 2016.

3. The Opposed Application is based on Applicant’s alleged use in commerce of the mark, Alfapipe UV, on or before November 30, 2016.

4. Commencing long prior to Applicant’s filing date, Opposer, itself and through its subsidiary, has engaged and is now engaged in the manufacture, distribution, sale, advertising and promotion in interstate commerce of chemical preparations for soldering, pastes containing metal powder, soldering flux, industrial adhesives, and polymeric materials. Indeed, from its inception over 50 years ago, Opposer has invested time and expertise in innovations that have shaped the landscape of the field of soldering, surface preparation for soldering and industrial adhesives and polymeric materials. Opposer has been first to develop and market many important products and services in the foregoing industries.

5. Commencing long prior to Applicant’s filing date, Opposer, has used, and is now using the following trademarks in connection with the goods described below.

6. Opposer is the owner of the following Federal registrations:

MARK	REG. NO.	ISSUE DATE	GOODS
ALPHA	1,277,584	05/15/1984	ICL 01- Chemical preparations for soldering – Namely, soldering injection oils to reduce oxide formation on bridge conduction lines, surface conditioners to prepare surfaces for soldering, protective coatings to maintain solderability of surfaces, and solvent and aqueous cleaners to remove residues and contaminants before and after soldering. ICL 06- Pastes containing metal powder for use in

			copper brazing
ALPHA A LOGO	4,672,146	01/13/2015	ICL 01 – Chemicals, Namely, soldering flux; industrial chemicals used for cleaning circuit boards and surface mount devices; industrial adhesives used for surface mount applications; unprocessed polymers, namely, epoxies, silicones, acrylics, phenolics, polyesters, polysulfones, polycarbonates, polystyrenes, polyurethanes
ALPHA A LOGO	4,365,640	07/09/2013	ICL 06 – Metal goods ,namely bar solder, solder paste, solder preforms, solder wire

(hereinafter collectively referred to as “Opposer’s Trademark Registrations”).

7. Opposer’s US Trademark Registration 1,277,584 has been duly renewed and attained incontestable status.

8. Registration Nos. 1,277,584; 4,672,146; and 4,365,640 are *prima facie* evidence of the validity and exclusive right of Opposer to use the Opposer’s marks and are constructive notice of ownership thereof, all as provided by §§ 7(b) and 22 of the Federal Trademark Act, 15 U.S.C. §§ 1057(b) and 1072. Registration Nos. 1,277,584 is conclusive evidence of Opposer’s exclusive right to use the mark shown therein in commerce as provided by §§ 15 and 33(b) of the Federal Trademark Act, 15 U.S.C. §§ 1065 and 1115(b).

9. Opposer has made substantial investments in advertising, promoting and selling its products for chemical preparations for soldering, pastes containing metal powder, soldering flux, industrial adhesives, and polymeric materials under Opposer’s ALPHA marks since their initial use. Opposer has extensively used, advertised, promoted and offered Opposer’s chemical preparations for soldering, pastes containing metal powder, soldering flux, industrial adhesives, and polymeric materials bearing Opposer’s ALPHA marks to the public through various channels of trade in commerce.

10. Applicant's goods are closely related to and/or in the natural fields of expansion of the Opposer's goods. The Applicant's goods, including chemicals used in science, agriculture, horticulture and forestry; unprocessed artificial resins, unprocessed plastics; fire extinguishing compositions; tempering chemicals used in soldering; soldering chemicals; adhesives used in industry are the same or sufficiently similar to Opposer's goods, which include but are not limited to chemical preparations for soldering, pastes containing metal powder, soldering flux, industrial adhesives, and polymeric materials.

11. Applicant is not lawfully entitled to the registration that it seeks for the reason, *inter alia*, that Applicant's mark, Alfapipe UV, as used in connection with the goods described in the opposed application, so resembles Opposer's previously used and registered ALPHA marks as to be likely to cause confusion, to cause mistake or to deceive within the meaning of §2(d) of the Federal Trademark Act, 15 U.S.C. §1052(d).

WHEREFORE, Opposer believes that it would be damaged by the issuance of a registration based on the opposed application and that the present opposition should be sustained and registration of Applicant's mark refused.

Respectfully submitted,

ALPHA ASSEMBLY SOLUTIONS INC.

Dated: May 18, 2017

By: /John L. Cordani, Jr./
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Attorneys for Opposer

Certificate of Service

In accordance with Rule 2.101(b) of the Trademark Rules of Practice, as amended, it is hereby certified that a true copy of the foregoing Notice of Opposition was served on the counsel of record for Applicant as identified below by depositing the same in the U.S. mail, first class postage prepaid, this 18th day of May, 2017:

Shauna M. Wertheim
The Marbury Law Group, PLLC
11800 Sunrise Valley Drive
15th Floor
Reston, Virginia 22101

/John L. Cordani, Jr./
John L. Cordani, Jr.