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

Proceeding	91237285
Party	Defendant Guidry, Elvord
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November 8, 2017

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board

Opposition No. 91237285
Application No. 87329562

To Whom it May Concern:

This letter is a response to Opposition No. 91237285 by Arysta LifeScience.

NorAg Technology LLC has been in business for 8 years selling our manufactured products under the Eresta name. NorAg Technology LLC's (the Company incorporated in 2007) Eresta is based on three concepts:

1. A name identifying the action of our products which are chelates, a Greek word for "claw". The purpose of our products is to capture metals making it neutral from harming other products. Since capturing is a form of arrest we chose Eresta.
2. NorAg is a combination of my parents' names, **Norciss** and **Agnes**. Since I could not leave out my wife, I used a part of her name for our product line.
3. The pronunciation of Eresta is very similar to the first part of my wife's name, Eresterine, thus the name Eresta. We and our customers pronounce it E-resta. Arysta does not even sound like our product name.

During the time our product name was conceived in 2007 the Company was not familiar with Arysta LifeScience who is opposing our tradename.

None of our customers have any references to Arysta LifeScience because Arysta LifeScience's products are not typically used in our industry. This is because our Eresta products are used in the Industrial cleaning businesses. We also produce liquid fertilizers which is a small percentage of our total sales and there is no conflict with NorAg Technology and Arysta LifeScience products.

Throughout the business industries, there are company Trademarks or company names that are similar being used without any confusion. Examples are Walgreen and Walmart, UPS and USPS. UPS and USPS operate the same kind of businesses. All have the same beginning letters and there are no known record of confusions in the general public. I have heard no one using UPS accidentally when they initially wanted to use USPS. All customers know the difference.

Any potential customers of Arysta, the company name, or Eresta, the product name, will always make inquiries about new products they are interested in before making a decision to purchase. Chemical products produced by Arysta and NorAg Technology LLC are critical for quality, performance and application, therefore customers will want to receive Technical Data Information, SDS (Safety Data Sheets) and typical Certificate of Analysis. Those steps will insure that the potential customer will not be confused as to what is being purchased.

Additionally, according to Arysta LifeScience website, most of Arysta's business is associated in research, testing and distribution of formulations that are more pesticide base instead of fertilizer. The web site does not show any fertilizer with an Arysta trade name.

Consequently, Applicant believes it is entitled to the registration that it seeks and that Arysta would not be damaged by the Eresta name since they are not pronounced the same or spelled the same. Applicant believes there is no confusion intended or otherwise that can cause mistakes, confusion or deception.

Federal Trademark Act 15 U.S.C. 1052 (Section 2 of the Lanham Act)

WHEREFORE, Applicant believes that Opposer would not be damaged by the issuance of a registration and that Applicant is entitled to register the name Eresta, especially since it is a part of one of the owner's given names and that the registration should be granted.

Floyd Guidry

Floyd Guidry

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