

ESTTA Tracking number: **ESTTA864916**

Filing date: **12/14/2017**

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	Westlake Longview Corporation		
Entity	Corporation	Citizenship	Delaware
Address	2801 Post Oak Blvd. Suite 600 Houston, TX 77056 UNITED STATES		

Attorney information	George R. Schultz Schultz & Associates, P.C. 5400 LBJ Freeway Suite 1200 Dallas, TX 75240 UNITED STATES Email: rschultz@grspc.com, nmarsh@grspc.com, kneedham@grspc.com, docket@grspc.com Phone: 214-210-5940		
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**Applicant Information**

Application No	79194431	Publication date	11/21/2017
Opposition Filing Date	12/14/2017	Opposition Period Ends	12/21/2017
International Registration No.	1182723	International Registration Date	10/11/2013
Applicant	Clariant AG Rothausstrasse 61 CH-4132 Muttenz SWITZERLAND		

**Goods/Services Affected by Opposition**

<p>Class 001. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Chemical used in industry, science and photography; chemicals for use in agriculture, horticulture and forestry except fungicides, herbicides, insecticides and parasiticides; unprocessed artificial resins, unprocessed plastics; soil fertilizers; fire extinguishing compositions; tempering and soldering preparations in the nature of soldering chemicals, soldering flux and soldering fluxes; chemical products for preserving foodstuffs; tanning materials, namely, tanning agents for use in the making of artificial leather but not meant for coloring; adhesive-sused in industry</p>
<p>Class 002. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Paints, varnishes, lacquers; rust preservatives in the nature of a coating; wood preservatives against deterioration; colorants; mordants for use in dyeing; raw natural resins; metals in foil and powder form for use in painting, decorating, printing and art</p>


Class 042. First Use: 0 First Use In Commerce: 0


All goods and services in the class are opposed, namely: Scientific and technological services, namely, chemical solution analysis and related consulting services for the paint, textile, plastic, cosmetic and transportation industries; Chemical research services to develop innovations, mainly carrier systems, dosing units and service concepts; Scientific and technological design services, namely, design services for customers to design new products in the nature of new product design services; design and development of computer hardware and software


## 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.	3661578	Application Date	11/16/2007
Registration Date	07/28/2009	Foreign Priority Date	NONE
Word Mark	HIFOR		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 001. First use: First Use: 1999/05/10 First Use In Commerce: 1999/05/10 POLYETHYLENE RESINS FOR USE IN THE PLASTICS INDUSTRY		

U.S. Registration No.	3661577	Application Date	11/16/2007
Registration Date	07/28/2009	Foreign Priority Date	NONE
Word Mark	HIFOR CLEAR		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 001. First use: First Use: 1999/04/28 First Use In Commerce: 1999/04/28		

	POLYETHYLENE RESINS FOR USE IN THE PLASTICS INDUSTRY		
U.S. Registration No.	3670225	Application Date	01/31/2008
Registration Date	08/18/2009	Foreign Priority Date	NONE
Word Mark	HIFOR XTREME		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 001. First use: First Use: 1999/05/10 First Use In Commerce: 1999/05/10 POLYETHYLENE RESINS FOR USE IN THE PLASTICS INDUSTRY		

Attachments	77332034#TMSN.png( bytes ) 77332028#TMSN.png( bytes ) 77385212#TMSN.png( bytes ) Notice of Opposition 121417.pdf(164457 bytes )
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Signature	/george r. schultz/
Name	George R. Schultz
Date	12/14/2017

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

**In the matter of Trademark  
Application Serial No.: 79/194,431**

**For the mark: HIFORMER**

**Published in the Official Gazette on: Nov. 21, 2017**

**WESTLAKE LONGVIEW CORPORATION**

**Opposer,**

v.

**OPPOSITION NO. \_\_\_\_\_**

**CLARIANT AG**

**Applicant.**

**NOTICE OF OPPOSITION**

Westlake Longview Corporation (“Opposer”) believes that it has been and will be damaged by registration of the mark shown in U.S. Serial No. 79/194,431 (the “Application”), and therefore files this Notice of Opposition pursuant to 15 U.S.C. §§ 1063 and 1141h(a)(2), and would respectfully show the Board the following:

**I. Parties**

1. Opposer is a Delaware corporation having a principal place of business at 2801 Post Oak Blvd., Suite 600, Houston, Texas 77056.

2. Clariant AG (“Applicant”) is a Switzerland corporation having an address of Rothausstrasse 61, CH-4132 Muttenz, Switzerland. The attorney of record is Anthony A. Bisuica, located at Clariant Corporation, 4000 Monroe Road, Intellectual Property Department, Charlotte, North Carolina 28205.

## **II. Standing**

3. Opposer owns incontestable U.S. Registration No. 3,661,578 for the standard character mark “HIFOR” for use in association with “polyethylene resins for use in the plastics industry” in international class 1. The mark was registered on July 28, 2009. The Registration is valid and subsisting. The date of first use cited in the Registration is May 10, 1999. A copy of U.S. Registration No. 3,661,578 is attached as Exhibit A. A printout from the USPTO's TSDR database for U.S. Registration No. 3,661,578 is attached as Exhibit B.

4. Opposer owns incontestable U.S. Registration No. 3,661,577 for the standard character mark “HIFOR CLEAR” for use in association with “polyethylene resins for use in the plastics industry” in international class 1. The mark was registered on July 28, 2009. The Registration is valid and subsisting. The date of first use cited in the Registration is April 28, 1999. A copy of U.S. Registration No. 3,661,577 is attached as Exhibit C. A printout from the USPTO's TSDR database for Registration No. 3,661,577 is attached as Exhibit D.

5. Opposer owns incontestable U.S. Registration No. 3,670,225 for the standard character mark “HIFOR XTREME” for use in association with “polyethylene resins for use in the plastics industry” in international class 1. The mark was registered on August 18, 2009. The Registration is valid and subsisting. The date of first use cited in the Registration is May 10, 1999. A copy of U.S. Registration No. 3,670,225 is attached as Exhibit E. A printout from the USPTO's TSDR database for U.S. Registration No. 3,670,225 is attached as Exhibit F.

6. The marks shown in Registration Nos. 3,661,578; 3,661,577; and 3,670,225 are collectively referred to as “Opposer’s Marks.” The goods listed in Opposer’s Registrations are collectively referred to as “Opposer’s Goods.”

7. Since long before the date of filing of the Application, Opposer adopted and used Opposer's Marks in association with the Opposer's Goods. Opposer has continuously sold its goods under Opposer's Marks since they were adopted.

8. Opposer has expended substantial amounts of money, time, and effort in advertising and promoting Opposer's Marks across the United States. The trade and purchasing public have come to know and recognize Opposer's Marks and associated goods as being those of Opposer. Opposer's Marks identify Opposer as a source of Opposer's Goods and distinguishes those goods from the goods and services of many others.

9. Opposer's Marks are inherently distinctive or have acquired secondary meaning. Opposer's Marks have been used in a way that creates in the minds of the relevant purchasing public an association between Opposer's Marks and Opposer's Goods and to such an extent that Opposer's Marks serve as indicators of Opposer as a source of origin for Opposer's Goods.

10. By virtue of the excellent quality of Opposer's Goods, Opposer has become well known and has acquired extensive goodwill and an excellent reputation in the marketplace. Opposer's Marks are symbolic of the goodwill and reputation of Opposer and so are of great and increasing value.

11. On information and belief, Applicant has applied for a request for extension of protection of the mark "HIFORMER" ("Applicant's Mark") under 15 U.S.C. § 1141f (the "Application") for use in association with "Chemicals used in industry, science, and photography; chemicals for use in agriculture, horticulture and forestry except fungicides, herbicides, insecticides and parasiticides; unprocessed artificial resins, unprocessed plastics; soil fertilizers; fire extinguishing compositions; tempering and soldering preparations in the nature of soldering chemicals, soldering flux and soldering fluxes; chemical products for preserving

foodstuffs; tanning materials, namely, tanning agents for use in the making of artificial leather but not meant for coloring; adhesives used in industry” in international class 1, “Paints, varnishes, lacquers; rust preservatives in the nature of a coating; wood preservatives against deterioration; colorants; mordants for use in dyeing; raw natural resins; metals in foil and powder form for use in painting, decorating, printing and art” in international class 2, and “Scientific and technological services, namely, chemical solution analysis and related consulting services for the paint, textile, plastic, cosmetic and transportation industries; Chemical research services to develop innovations, mainly carrier systems, dosing units and service concepts; Scientific and technological design services, namely design services for customers to design new products in the nature of new product design services; design and development of computer hardware and software” in international class 42 (“Applicant’s Goods and Services”). The Application was filed on September 27, 2016. The Application was published on November 21, 2017.

12. Opposer’s Goods are highly related to Applicant’s Goods and Services. On information and belief, Applicant’s Goods and Services are and are intended to be provided in the same industry, to similar consumers, under similar or identical advertising, and to move in the same or similar channels of trade as Opposer’s Goods.

13. Opposer’s Marks and Applicant’s Mark are substantially similar, both visually and phonetically, and create the same or similar commercial impression.

### **III. Grounds**

#### **Likelihood of Confusion 15 U.S.C. § 1052(d)**

14. Under § 2(d) of the Act, 15 U.S.C. § 1052(d), Applicant’s Mark so resembles Opposer’s Marks, previously used in the United States and registered with the USPTO by

Opposer and not abandoned, as to be likely, when used on or in connection with Applicant's Goods and Services, to cause confusion, to cause mistake or to deceive.

15. Applicant's Mark is confusingly similar to Opposer's Marks. The similarity in sight, sound, and appearance between Opposer's Marks and Applicant's Mark creates a similar or identical commercial impression.

16. Applicant's Goods and Services overlap with or are related to Opposer's Goods at least to the extent that both are in the plastics and resin industry and likely to be confused by consumers as emanating from the same source.

#### **IV. Damage**

17. Opposer has superior rights in Opposer's Marks as compared to those of Applicant since Opposer has registered and continuously used Opposer's Marks prior to the filing of the Application by Applicant. Consequently, confusion, mistake or deception in the trade and in the minds of the consuming public between Opposer and Applicant as to the origin of Applicant's Goods and Services is likely to occur and be exacerbated with resulting damage to Opposer if Applicant's Mark is allowed to be registered.

#### **V. Fees**

18. Pursuant to 37 C.F.R. 2.6(a)(17), the required fee of Twelve Hundred Dollars (\$1,200.00) has been electronically paid in conjunction with the electronic filing of this Notice.

19. The Board is authorized to charge additional required amounts or issue any credits for overpayments to Deposit Account No. 50-2225.

**WHEREFORE**, Opposer prays that registration of the mark as shown in Application No. 79/194,431 be denied.



Dated: December 14, 2017.

Respectfully submitted,



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George R. Schultz  
Texas Bar No. 17837500  
[rschultz@grspc.com](mailto:rschultz@grspc.com)  
Nicole R. Marsh  
Texas Bar No. 24044653  
[nmarsh@grspc.com](mailto:nmarsh@grspc.com)

SCHULTZ & ASSOCIATES, P.C.  
5400 LBJ Freeway  
Suite 1200  
Dallas, Texas 75240  
214-210-5940 telephone  
214-210-5941 facsimile

ATTORNEYS FOR OPPOSER  
WESTLAKE LONGVIEW  
CORPORATION

# **Exhibit A**

**Int. Cl.: 1**

**Prior U.S. Cls.: 1, 5, 6, 10, 26, and 46**

**Reg. No. 3,661,578**

**United States Patent and Trademark Office**

**Registered July 28, 2009**

**TRADEMARK  
PRINCIPAL REGISTER**

**HIFOR**

WESTLAKE LONGVIEW CORPORATION (DELA-  
WARE CORPORATION)  
2801 POST OAK BLVD., SUITE 600  
HOUSTON, TX 77056

THE MARK CONSISTS OF STANDARD CHAR-  
ACTERS WITHOUT CLAIM TO ANY PARTICULAR  
FONT, STYLE, SIZE, OR COLOR.

FOR: POLYETHYLENE RESINS FOR USE IN THE  
PLASTICS INDUSTRY, IN CLASS 1 (U.S. CLS. 1, 5, 6,  
10, 26 AND 46).

SN 77-332,034, FILED 11-16-2007.

FIRST USE 5-10-1999; IN COMMERCE 5-10-1999.

MAUREEN DALL, EXAMINING ATTORNEY

## **Exhibit B**

Generated on: This page was generated by TSDR on 2017-12-14 15:32:09 EST

Mark: HIFOR

# HIFOR

US Serial Number: 77332034

Application Filing Date: Nov. 16, 2007

US Registration Number: 3661578

Registration Date: Jul. 28, 2009

Register: Principal

Mark Type: Trademark

Status: A Sections 8 and 15 combined declaration has been accepted and acknowledged.

Status Date: Jun. 03, 2015

Publication Date: Jan. 06, 2009

Notice of Allowance Date: Mar. 31, 2009

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## Mark Information

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Mark Literal Elements: HIFOR

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

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## Goods and Services

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Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((..)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*.\* identify additional (new) wording in the goods/services.

For: POLYETHYLENE RESINS FOR USE IN THE PLASTICS INDUSTRY

International Class(es): 001 - Primary Class

U.S Class(es): 001, 005, 006, 010, 026, 046

Class Status: ACTIVE

Basis: 1(a)

First Use: May 10, 1999

Use in Commerce: May 10, 1999

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## Basis Information (Case Level)

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Filed Use: No

Currently Use: Yes

Amended Use: No

Filed ITU: Yes

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

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## Current Owner(s) Information

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Owner Name: Westlake Longview Corporation

Owner Address: 2801 Post Oak Blvd., Suite 600  
Houston, TEXAS 77056  
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Linda K. Russell

**Docket Number:** 89955.0208

**Attorney Primary Email Address:** [l russell@westlake.com](mailto:l russell@westlake.com)

**Attorney Email Authorized:** Yes

### Correspondent

**Correspondent Name/Address:** Linda K. Russell  
Legal Dept., Westlake Longview Corporation  
2801 Post Oak Blvd., Suite 600  
Houston, TEXAS 77056  
UNITED STATES

**Phone:** 713-585-2542

**Fax:** 713-629-6239

**Correspondent e-mail:** [l russell@westlake.com](mailto:l russell@westlake.com) [egregory@westlake.com](mailto:egregory@westlake.com) [waller@westlake.com](mailto:waller@westlake.com)

**Correspondent e-mail Authorized:** Yes

### Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Aug. 31, 2016	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Jun. 03, 2015	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Jun. 03, 2015	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	76985
Jun. 03, 2015	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	76985
May 19, 2015	TEAS SECTION 8 & 15 RECEIVED	
Apr. 06, 2015	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Apr. 06, 2015	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Aug. 28, 2012	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Aug. 28, 2012	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Jul. 28, 2009	REGISTERED-PRINCIPAL REGISTER	
Jun. 22, 2009	LAW OFFICE REGISTRATION REVIEW COMPLETED	78287
Jun. 18, 2009	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Jun. 17, 2009	STATEMENT OF USE PROCESSING COMPLETE	69302
May 26, 2009	USE AMENDMENT FILED	69302
Jun. 17, 2009	CASE ASSIGNED TO INTENT TO USE PARALEGAL	69302
May 26, 2009	TEAS STATEMENT OF USE RECEIVED	
Mar. 31, 2009	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Jan. 06, 2009	PUBLISHED FOR OPPOSITION	
Dec. 17, 2008	NOTICE OF PUBLICATION	
Nov. 28, 2008	LAW OFFICE PUBLICATION REVIEW COMPLETED	78287
Nov. 24, 2008	APPROVED FOR PUB - PRINCIPAL REGISTER	
Nov. 03, 2008	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Nov. 03, 2008	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Nov. 03, 2008	TEAS REQUEST FOR RECONSIDERATION RECEIVED	
Sep. 29, 2008	NOTIFICATION OF FINAL REFUSAL EMAILED	
Sep. 29, 2008	FINAL REFUSAL E-MAILED	
Sep. 29, 2008	FINAL REFUSAL WRITTEN	78199
Sep. 08, 2008	AMENDMENT FROM APPLICANT ENTERED	78287
Sep. 08, 2008	CORRESPONDENCE RECEIVED IN LAW OFFICE	78287
Sep. 08, 2008	ASSIGNED TO LIE	78287
Aug. 29, 2008	PAPER RECEIVED	
Mar. 01, 2008	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Mar. 01, 2008	NON-FINAL ACTION E-MAILED	6325
Mar. 01, 2008	NON-FINAL ACTION WRITTEN	78199
Feb. 29, 2008	ASSIGNED TO EXAMINER	78199
Nov. 20, 2007	NEW APPLICATION ENTERED IN TRAM	

## Maintenance Filings or Post Registration Information

**Affidavit of Continued Use:** Section 8 - Accepted

**Affidavit of Incontestability:** Section 15 - Accepted

### TM Staff and Location Information

#### TM Staff Information - None

##### File Location

**Current Location:** TMO LAW OFFICE 117

**Date in Location:** Jun. 03, 2015

### Assignment Abstract Of Title Information

#### Summary

**Total Assignments:** 2

**Registrant:** Westlake Longview Corporation

#### Assignment 1 of 2

**Conveyance:** SECURITY INTEREST

**Reel/Frame:** [3821/0751](#)

**Pages:** 10

**Date Recorded:** Jul. 23, 2008

**Supporting Documents:** [assignment-tm-3821-0751.pdf](#)

#### Assignor

**Name:** [WESTLAKE LONGVIEW CORPORATION](#)

**Execution Date:** Jun. 05, 2008

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** DELAWARE

#### Assignee

**Name:** [BANK OF AMERICA, N.A.](#)

**Legal Entity Type:** NATIONAL BANKING ASSOCIATION

**State or Country Where Organized:** No Place Where Organized Found

**Address:** 55 S. LAKE AVENUE  
SUITE 900  
PASADENA, CALIFORNIA 91101

#### Correspondent

**Correspondent Name:** HAYNES AND BOONE, LLP

**Correspondent Address:** 901 MAIN STREET  
SUITE 3100  
DALLAS, TX 75202-3789

#### Domestic Representative - Not Found

#### Assignment 2 of 2

**Conveyance:** RELEASE OF TRADEMARK COLLATERAL

**Reel/Frame:** [5863/0577](#)

**Pages:** 7

**Date Recorded:** Aug. 25, 2016

**Supporting Documents:** [assignment-tm-5863-0577.pdf](#)

#### Assignor

**Name:** [BANK OF AMERICA, N.A.](#)

**Execution Date:** Aug. 23, 2016

**Legal Entity Type:** NATIONAL BANKING ASSOCIATION

**State or Country Where Organized:** UNITED STATES

#### Assignee

**Name:** [WESTLAKE LONGVIEW CORPORATION](#)

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** DELAWARE

**Address:** 2801 POST OAK BOULEVARD, SUITE 600  
HOUSTON, TEXAS 77056

**Correspondent**

**Correspondent Name:** VENISA DARK

**Correspondent Address:** HAYNES AND BOONE LLP  
2323 VICTORY AVENUE, SUITE 700  
DALLAS, TX 75219

**Domestic Representative - Not Found**



# **Exhibit C**

**Int. Cl.: 1**

**Prior U.S. Cls.: 1, 5, 6, 10, 26, and 46**

**Reg. No. 3,661,577**

**United States Patent and Trademark Office**

**Registered July 28, 2009**

**TRADEMARK  
PRINCIPAL REGISTER**

**HIFOR CLEAR**

WESTLAKE LONGVIEW CORPORATION (DELA-  
WARE CORPORATION)

2801 POST OAK BLVD., SUITE 600

HOUSTON, TX 77056

FOR: POLYETHYLENE RESINS FOR USE IN THE  
PLASTICS INDUSTRY, IN CLASS 1 (U.S. CLS. 1, 5, 6,  
10, 26 AND 46).

FIRST USE 4-28-1999; IN COMMERCE 4-28-1999.

THE MARK CONSISTS OF STANDARD CHAR-  
ACTERS WITHOUT CLAIM TO ANY PARTICULAR  
FONT, STYLE, SIZE, OR COLOR.

NO CLAIM IS MADE TO THE EXCLUSIVE  
RIGHT TO USE "CLEAR", APART FROM THE  
MARK AS SHOWN.

SN 77-332,028, FILED 11-16-2007.

MAUREEN DALL, EXAMINING ATTORNEY

## **Exhibit D**

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Mark: HIFOR CLEAR

HIFOR CLEAR

US Serial Number: 77332028

Application Filing Date: Nov. 16, 2007

US Registration Number: 3661577

Registration Date: Jul. 28, 2009

Register: Principal

Mark Type: Trademark

Status: A Sections 8 and 15 combined declaration has been accepted and acknowledged.

Status Date: Aug. 04, 2015

Publication Date: Jan. 06, 2009

Notice of Allowance Date: Mar. 31, 2009

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## Mark Information

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Mark Literal Elements: HIFOR CLEAR

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Disclaimer: "CLEAR"

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## Goods and Services

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Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (..) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*..\* identify additional (new) wording in the goods/services.

For: POLYETHYLENE RESINS FOR USE IN THE PLASTICS INDUSTRY

International Class(es): 001 - Primary Class

U.S Class(es): 001, 005, 006, 010, 026, 046

Class Status: ACTIVE

Basis: 1(a)

First Use: Apr. 28, 1999

Use in Commerce: Apr. 28, 1999

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## Basis Information (Case Level)

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Filed Use: No

Currently Use: Yes

Amended Use: No

Filed ITU: Yes

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

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## Current Owner(s) Information

---

Owner Name: Westlake Longview Corporation

Owner Address: 2801 Post Oak Blvd., Suite 600  
Houston, TEXAS 77056  
UNITED STATES

Legal Entity Type: CORPORATION

State or Country DELAWARE  
Where Organized:

## Attorney/Correspondence Information

### Attorney of Record

Attorney Name: Linda K. Russell

Docket Number: 89955.0209

Attorney Primary Email Address: [russell@westlake.com](mailto:russell@westlake.com)

Attorney Email Authorized: Yes

### Correspondent

Correspondent Name/Address: Linda K. Russell  
Legal Dept., Westlake Longview Corporation  
2801 Post Oak Blvd., Suite 600  
Houston, TEXAS 77056  
UNITED STATES

Phone: 713-585-2542

Fax: 713-629-6239

Correspondent e-mail: [russell@westlake.com](mailto:russell@westlake.com) [egregory@westlake.com](mailto:egregory@westlake.com) [waller@westlake.com](mailto:waller@westlake.com)

Correspondent e-mail Authorized: Yes

### Domestic Representative - Not Found

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Date	Description	Proceeding Number
Aug. 31, 2016	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
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Mar. 01, 2008	NON-FINAL ACTION E-MAILED	6325
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## Maintenance Filings or Post Registration Information

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**Affidavit of Incontestability:** Section 15 - Accepted

## TM Staff and Location Information

### TM Staff Information - None

#### File Location

**Current Location:** TMO LAW OFFICE 117

**Date in Location:** Aug. 04, 2015

## Assignment Abstract Of Title Information

### Summary

**Total Assignments:** 2

**Registrant:** Westlake Longview Corporation

### Assignment 1 of 2

**Conveyance:** SECURITY INTEREST

**Reel/Frame:** [3821/0751](#)

**Pages:** 10

**Date Recorded:** Jul. 23, 2008

**Supporting Documents:** [assignment-tm-3821-0751.pdf](#)

### Assignor

**Name:** [WESTLAKE LONGVIEW CORPORATION](#)

**Execution Date:** Jun. 05, 2008

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** DELAWARE

### Assignee

**Name:** [BANK OF AMERICA, N.A.](#)

**Legal Entity Type:** NATIONAL BANKING ASSOCIATION

**State or Country Where Organized:** No Place Where Organized Found

**Address:** 55 S. LAKE AVENUE  
SUITE 900  
PASADENA, CALIFORNIA 91101

### Correspondent

**Correspondent Name:** HAYNES AND BOONE, LLP

**Correspondent Address:** 901 MAIN STREET  
SUITE 3100  
DALLAS, TX 75202-3789

### Domestic Representative - Not Found

### Assignment 2 of 2

**Conveyance:** RELEASE OF TRADEMARK COLLATERAL

**Reel/Frame:** [5863/0577](#)

**Pages:** 7

**Date Recorded:** Aug. 25, 2016

**Supporting Documents:** [assignment-tm-5863-0577.pdf](#)

### Assignor

**Name:** [BANK OF AMERICA, N.A.](#)

**Execution Date:** Aug. 23, 2016

**Legal Entity Type:** NATIONAL BANKING ASSOCIATION

**State or Country Where Organized:** UNITED STATES

### Assignee

**Name:** [WESTLAKE LONGVIEW CORPORATION](#)

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** DELAWARE

**Address:** 2801 POST OAK BOULEVARD, SUITE 600  
HOUSTON, TEXAS 77056

**Correspondent**

**Correspondent Name:** VENISA DARK

**Correspondent Address:** HAYNES AND BOONE LLP  
2323 VICTORY AVENUE, SUITE 700  
DALLAS, TX 75219

**Domestic Representative - Not Found**

# **Exhibit E**



**Int. Cl.: 1**

**Prior U.S. Cls.: 1, 5, 6, 10, 26, and 46**

**Reg. No. 3,670,225**

**United States Patent and Trademark Office**

**Registered Aug. 18, 2009**

**TRADEMARK  
PRINCIPAL REGISTER**

**HIFOR XTREME**

WESTLAKE LONGVIEW CORPORATION (DELA-  
WARE CORPORATION)  
2801 POST OAK BLVD., SUITE 600  
HOUSTON, TX 77056

THE MARK CONSISTS OF STANDARD CHAR-  
ACTERS WITHOUT CLAIM TO ANY PARTICULAR  
FONT, STYLE, SIZE, OR COLOR.

FOR: POLYETHYLENE RESINS FOR USE IN THE  
PLASTICS INDUSTRY, IN CLASS 1 (U.S. CLS. 1, 5, 6,  
10, 26 AND 46).

SN 77-385,212, FILED 1-31-2008.

FIRST USE 5-10-1999; IN COMMERCE 5-10-1999.

GRETTA YAO, EXAMINING ATTORNEY

## **Exhibit F**

Generated on: This page was generated by TSDR on 2017-12-14 15:33:47 EST

Mark: HIFOR XTREME

HIFOR XTREME

US Serial Number: 77385212

Application Filing Date: Jan. 31, 2008

US Registration Number: 3670225

Registration Date: Aug. 18, 2009

Register: Principal

Mark Type: Trademark

TM5 Common Status Descriptor:



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

Status: A Sections 8 and 15 combined declaration has been accepted and acknowledged.

Status Date: Aug. 04, 2015

Publication Date: Oct. 21, 2008

Notice of Allowance Date: Jan. 13, 2009

## Mark Information

Mark Literal Elements: HIFOR XTREME

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

## Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*.\* identify additional (new) wording in the goods/services.

For: POLYETHYLENE RESINS FOR USE IN THE PLASTICS INDUSTRY

International Class(es): 001 - Primary Class

U.S Class(es): 001, 005, 006, 010, 026, 046

Class Status: ACTIVE

Basis: 1(a)

First Use: May 10, 1999

Use in Commerce: May 10, 1999

## Basis Information (Case Level)

Filed Use: No

Currently Use: Yes

Amended Use: No

Filed ITU: Yes

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

## Current Owner(s) Information

Owner Name: Westlake Longview Corporation

**Owner Address:** 2801 Post Oak Blvd., Suite 600  
Houston, TEXAS UNITED STATES 77056

**Legal Entity Type:** CORPORATION

**State or Country** DELAWARE  
**Where Organized:**

---

## Attorney/Correspondence Information

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### Attorney of Record

**Attorney Name:** Linda K. Russell

**Docket Number:** 89955.0210

**Attorney Primary** [l Russell@westlake.com](mailto:l Russell@westlake.com)  
**Email Address:**

**Attorney Email** Yes  
**Authorized:**

### Correspondent

**Correspondent** Linda K. Russell  
**Name/Address:** Legal Dept., Westlake Longview Corporation  
2801 Post Oak Blvd., Suite 600  
Houston, TEXAS UNITED STATES 77056

**Phone:** 713-585-2542

**Fax:** 713-629-6239

**Correspondent e-** [l Russell@westlake.com](mailto:l Russell@westlake.com) [egregory@westlake.com](mailto:egregory@westlake.com) n  
**mail:** [waller@westlake.com](mailto:waller@westlake.com)

**Correspondent e-** Yes  
**mail Authorized:**

### Domestic Representative - Not Found

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## Prosecution History

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Date	Description	Proceeding Number
Aug. 31, 2016	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Aug. 04, 2015	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Aug. 04, 2015	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	77315
Aug. 04, 2015	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	77315
Jul. 08, 2015	TEAS SECTION 8 & 15 RECEIVED	
Apr. 06, 2015	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Apr. 06, 2015	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Aug. 28, 2012	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Aug. 28, 2012	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Aug. 18, 2009	REGISTERED-PRINCIPAL REGISTER	
Jul. 14, 2009	LAW OFFICE REGISTRATION REVIEW COMPLETED	68171
Jul. 07, 2009	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Jun. 17, 2009	STATEMENT OF USE PROCESSING COMPLETE	70565
May 26, 2009	USE AMENDMENT FILED	70565
Jun. 17, 2009	CASE ASSIGNED TO INTENT TO USE PARALEGAL	70565
May 26, 2009	TEAS STATEMENT OF USE RECEIVED	
Jan. 13, 2009	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Oct. 21, 2008	PUBLISHED FOR OPPOSITION	
Oct. 01, 2008	NOTICE OF PUBLICATION	
Sep. 16, 2008	LAW OFFICE PUBLICATION REVIEW COMPLETED	68171
Sep. 13, 2008	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 09, 2008	AMENDMENT FROM APPLICANT ENTERED	68171
Sep. 09, 2008	CORRESPONDENCE RECEIVED IN LAW OFFICE	68171
Sep. 09, 2008	ASSIGNED TO LIE	68171
Aug. 29, 2008	PAPER RECEIVED	
May 19, 2008	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
May 19, 2008	NON-FINAL ACTION E-MAILED	6325
May 19, 2008	NON-FINAL ACTION WRITTEN	78326
May 09, 2008	ASSIGNED TO EXAMINER	78326
Feb. 06, 2008	NOTICE OF PSEUDO MARK MAILED	
Feb. 05, 2008	NEW APPLICATION ENTERED IN TRAM	

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## Maintenance Filings or Post Registration Information

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**Affidavit of Continued Use:** Section 8 - Accepted

**Affidavit of Incontestability:** Section 15 - Accepted

## TM Staff and Location Information

### TM Staff Information - None

#### File Location

**Current Location:** TMEG LAW OFFICE 105

**Date in Location:** Aug. 04, 2015

## Assignment Abstract Of Title Information

### Summary

**Total Assignments:** 2

**Registrant:** Westlake Longview Corporation

### Assignment 1 of 2

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**Domestic Representative - Not Found**