ESTTA Tracking number: **ESTTA493031**

Filing date: **09/06/2012**

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

Proceeding	85227983
Applicant	Pro-Tek Chemical, Inc.
Applied for Mark	TITAN ORANGE
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Submission	Reply Brief
Attachments	prok403_2012_09_06_reply_brief.pdf (9 pages)(365173 bytes)
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Date	09/06/2012

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Serial No. 85227983

Mark: TITAN ORANGE

APPLICANT: Pro-Tek Chemical, Inc.

Examining Attorney: Cimmerian Coleman

Examining Office 102

Applicant respectfully reiterates that the Examining Attorney incorrectly dissected the Applicant's mark into its individual components. The mark should be considered as a whole as TITAN ORANGE due to the large number of Titans, found both on the submitted Internet printouts as well as the printouts from the Trademark Office's website. As the Examiner specifically stated, "[t]he weakness or dilution of a particular mark is generally determined in the context of the number and nature of similar marks in use in the marketplace in connection with similar goods and/or services." Examining Atty's Brief at page 5. The printout of Internet websites of third party uses of the mark TITAN for cleaners and/or degreasers with or without a second word, such as TITAN GREEN, is specifically what the Examining Attorney states is needed to show dilution/weakness of a mark but has failed to consider.

Applicant further disputes that the Applicant's use of the term ORANGE is descriptive. Applicant disclaimed this portion of the mark to further the prosecution of the mark in what Applicant thought would speed prosecution of the mark. Applicant's product uses an orange peel extract as the active ingredient in Applicant's cleaning product. Specifically the ingredient is d-limonene, a chemical common to household cleaners. Thus Applicant's use of the term ORANGE, is suggestive of the chemical used as the cleaner as opposed to descriptive of the actual cleaner itself. Further, as set forth by the Wikipedia printout, Limonene is a colorless liquid that "give[s] a lemon orange scent" and in fact comes from a variety of citrus fruits. Thus the term is suggestive of what is in the Applicant's cleaner and degreaser. Applicant's cleaner and degreaser is not made of oranges, orange peels, or anything that makes the term ORANGE anything less than suggestive. Further when the term ORANGE is used in TITAN ORANGE, there are no descriptive properties of the term and thus the mark TITAN ORANGE should be viewed as a whole.

Applicant further disputes the Examiner's statement that "[t]he fact that other entities use the wording TITAN is not relevant with respect to the case at hand." Third party uses of the term TITAN are relevant to show that consumers will distinguish between the marks *based on the secondary wording of the marks*. Many of the Applicant's cited marks use descriptive terminology such as GREEN, DEGREASER, etc. thus a consumer would *look to the marks as a whole* in order to distinguish between each mark's overall commercial impression because there are so many marks using the term TITAN on the marketplace. Further, the Examining Attorney's cited marks being in the fields of 1) cleaning and 2) degreasing along with the Examining Attorney's submission of third party marks (attached to the initial office action) to show that cleaning and degreasing products emanate *from the same source* specifically show that the Examiner's cited marks are ***indicative that the mark TITAN are diluted, weak, and entitled to extremely limited protection***. Accordingly Applicant respectfully submits that the Examining Attorney has not established a likelihood of confusion between the marks because the mark TITAN ORANGE should be considered in its entirety with no one portion of the mark being dominant because there are a very large number of TITANs already in existence which leads consumers to consider differences between each individual mark.

Dated this 6th day of September, 2012. Respectfully submitted,

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Limonene

EXHIBIT A

From Wikipedia, the free encyclopedia

Limonene is a colourless liquid hydrocarbon classified as a cyclic terpene. The more common D isomer possesses a strong smell of oranges.[1] It is used in chemical synthesis as a precursor to carvone and as a renewably based solvent in cleaning products.

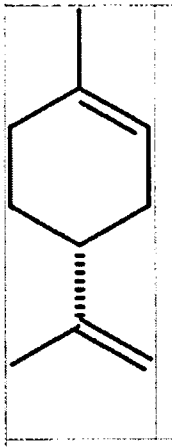
Limonene takes its name from the lemon, as the rind of the lemon, like other citrus fruits, contains considerable amounts of this compound, which contributes to their odor. Limonene is a chiral molecule, and biological sources produce one enantiomer: the principal industrial source, citrus fruit, contains D-limonene ((+)-limonene), which is the (*R*)-enantiomer (CAS number 5989-27-5, EINECS number 227-813-5). Racemic limonene is known as dipentene.[2] D-Limonene is obtained commercially from citrus fruits through two primary methods: centrifugal separation or steam distillation.

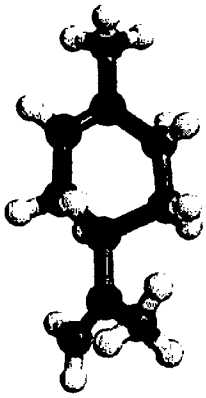
Contents

Chemical reactions

Limonene is a relatively stable terpene and can be distilled without decomposition, although at elevated temperatures it cracks to form isoprene.[3] It oxidizes easily in moist air to

Limonene





IUPAC name
1-methyl-4-(1-methylethenyl)-cyclohexene
Other names
4-isopropenyl-1-methylcyclohexene Racemic: DL-limonene; dipentene
Identifiers
CAS number: 5989-27-5 ✓
PubChem: 22311, 439250 (S-isomer)
ChemSpider: 20939 (Racemic) ✓, 388386 (S-isomer), 389747 (R-isomer)
UNII: GFD7C86Q1W ✓
KEGG: D00194 ✓
ChEBI: CHEBI:15384 ✓
ChEMBL: CHEMBL449062 ✗
Jmol-3D images: Image 1 (http://chemapps.stolaf.edu/jmol/jmol.php?model=CC1%3DCCC%28CC1%29C%28%3DC%29C)
SMILES
InChI
Properties
Molecular formula: $C_{10}H_{16}$
Molar mass: 136.24 g/mol
Density: 0.8411 g/cm³

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