

ESTTA Tracking number: **ESTTA488961**

Filing date: **08/14/2012**

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	C.E.M. Solutions, Inc.
Granted to Date of previous extension	08/15/2012
Address	1183 E. Overdrive Circle Hernando, FL 34442 UNITED STATES
Attorney information	Allison R. Imber, Esq. Allen, Dyer, Doppelt, Milbrath & Gilchrist, P.A. 255 S. Orange Avenue, Suite 1401 Orlando, FL 32801 UNITED STATES aimber@addmg.com Phone:407-841-2330

Applicant Information

Application No	85341808	Publication date	04/17/2012
Opposition Filing Date	08/14/2012	Opposition Period Ends	08/15/2012
Applicant	Entec Services, Inc. 30 Monroe Drive Pelham, AL 35124 UNITED STATES		

Goods/Services Affected by Opposition

Class 009. First Use: 2010/10/21 First Use In Commerce: 2010/10/21 All goods and services in the class are opposed, namely: Electronic device used in connection with the testing of air quality in commercial settings
Class 042. First Use: 2010/10/21 First Use In Commerce: 2010/10/21 All goods and services in the class are opposed, namely: Environmental services, namely, air pollution testing and consulting related thereto

Grounds for Opposition

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

U.S. Application/Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	C.E.M. SOLUTIONS		

Goods/Services	Air pollution monitoring goods and services
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Attachments	Notice of Opposition.pdf (4 pages)(14233 bytes)
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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	/Allison R. Imber/
Name	Allison R. Imber, Esq.
Date	08/14/2012

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

In the Matter of Trademark Application Serial No. 85/341808
For the Mark **ACS ADVANCED CEMS SOLUTIONS**
AN ENTEC SERVICES COMPANY (Stylized)
Published in the Official Gazette on April 17, 2012

C.E.M. Solutions, Inc.,

Opposer,

vs.

Opposition No. _____

Entec Services, Inc.,

Applicant.

_____ /

NOTICE OF OPPOSITION

Opposer C.E.M. Solutions, Inc. ("Opposer"), a corporation organized under the laws of the State of Florida, whose address is 1183 E. Overdrive Circle, Hernando, Florida 34442, believes it will be damaged by registration of the mark **ACS ADVANCED CEMS SOLUTIONS AN ENTEC SERVICES COMPANY (Stylized)** ("Applicant's mark"), shown in U.S. Trademark Application Serial No. 85/341808 (the "Application") for an "electronic device used in connection with the testing of air quality in commercial settings," and "environmental services, namely, air pollution testing and consulting related thereto," and hereby opposes the Application pursuant to an Extension of Time granted on June 14, 2012.

The grounds for the Opposition are as follows:

1. Applicant Entec Services, Inc. ("Applicant") seeks to register the mark **ACS ADVANCED CEMS SOLUTIONS AN ENTEC SERVICES COMPANY (Stylized)** as a trademark for use in connection with the above-referenced goods and services in International Classes 9 and 42, as evidenced by the publication of the mark in the Official Gazette on April 17, 2012.

2. Applicant filed its Application on June 9, 2011 under Section 1(a) based on its alleged use of Applicant's mark in commerce within the United States.

3. Upon information and belief, Applicant's mark was not in use in United States commerce as of the date Applicant's application was filed, making the application void *ab initio* under 15 U.S.C. § 1051.

4. Opposer has used its mark **C.E.M. SOLUTIONS** in interstate commerce in the United States on or in connection with air pollution monitoring goods and services within International Classes 9 and 42 for the last fifteen years.

5. Opposer has extensively promoted and continuously used the mark **C.E.M. SOLUTIONS** throughout the United States and has made significant sales of products and services under the mark; as a result, the mark has developed favorable acceptance and recognition for Opposer in the relevant industry.

6. The mark **C.E.M. SOLUTIONS** is distinctive and is a valuable asset of Opposer.

7. Opposer used the mark **C.E.M. SOLUTIONS** in commerce prior to the filing of the Application, and, upon information and belief, before Applicant's first use of Applicant's Mark in commerce in the United States in connection with air emission monitoring goods and services.

8. Applicant's mark is confusingly and deceptively similar to the mark **C.E.M. SOLUTIONS**. Applicant's mark incorporates Opposer's mark in its entirety. Applicant's mark is very similar in sight, sound, connotation, and commercial impression to Opposer's mark.

9. Applicant's specified goods and services are very similar and closely related to the air emissions monitoring goods and services offered by Opposer under Opposer's mark **C.E.M. SOLUTIONS**.

10. Upon information and belief, Applicant's channels of trade and class of purchasers are likely to be identical or very similar to those of Opposer.

11. Due to the similarities between the respective marks and goods and services, and the likely similarity of the respective channels of trade and classes of purchasers, the registration of Applicant's mark will cause great damage and injury to Opposer. Persons familiar with the mark **C.E.M. SOLUTIONS** and the goods and services offered under Opposer's mark would likely confuse Applicant's goods and services with those provided by Opposer. Any defect, objection or fault found with Applicant's goods and services under Applicant's mark may reflect upon and expose Opposer to liability and seriously injure the reputation and valuable goodwill that Opposer has established and accumulated for its products.

12. If Applicant is granted the registration herein opposed, it would obtain at least a *prima facie* exclusive right to use the mark **ACS ADVANCED CEMS SOLUTIONS AN ENTEC SERVICES COMPANY (Stylized)** in the United States, thereby causing damage and injury to Opposer.

WHEREFORE, Opposer prays that Trademark Application Serial No. 85/341808 be rejected, that this Opposition be sustained, that the registration sought for the goods and services specified in International Classes 9 and 42 refused, and that Opposer be granted such additional relief as the Board deems just and proper.

Dated: August 14, 2012

Respectfully submitted,

/Allison R. Imber/
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**Attorneys for Opposer
C.E.M. Solutions, Inc.**

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