

ESTTA Tracking number: **ESTTA691572**

Filing date: **08/25/2015**

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

Proceeding	92060350
Party	Plaintiff Mansfield Oil Company of Gainesville, Inc.
Correspondence Address	MARK L SEIGEL THE SEIGEL LAW FIRM LLC 1827 POWERS FERRY RD, BLDG 6 STE 201 ATLANTA, GA 30339 UNITED STATES service@addipvalue.com
Submission	Motion to Amend Pleading/Amended Pleading
Filer's Name	Mark L. Seigel
Filer's e-mail	seigel@AddIPvalue.com
Signature	/Mark L. Seigel/
Date	08/25/2015
Attachments	Motion to Amend Petition for Cancellation.pdf(105335 bytes ) Amended Petition w Exhibits.pdf(2573378 bytes ) Redlined Amended Petition for Cancellation.pdf(126667 bytes )

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

**MANSFIELD OIL COMPANY OF  
GAINESVILLE, INC.,**

*Petitioner,*

vs.

**OLD WORLD INDUSTRIES, LLC,**

*Respondent.*

Cancellation. No. 92060350

Registration Nos. 3710292 and 3710339

**MOTION TO AMEND PETITION FOR CANCELLATION**

COMES NOW Petitioner Mansfield Oil Company of Gainesville, Inc. (“Mansfield”) and files this Motion to Amend pursuant to Federal Rule 15 and in response to the Board’s August 25 Order. Mansfield respectfully asserts that the Board incorrectly concluded that Mansfield was not permitted to amend its Petition for Cancellation as a matter of course pursuant to Federal Rule 15(a)(1). Mansfield also asserts that the Board is incorrect in requiring Mansfield to request leave before amending its Petition for Cancellation. For the reasons set forth below, Mansfield asserts that its Amended Petition for Cancellation was timely and properly filed pursuant to Rule 15, and that no leave is required. To the extent the Board contends that Mansfield must file a motion along with its Amended Petition for Cancellation, Mansfield submits the following in support.

## FACTS

Mansfield filed its Petition for Cancellation on November 10, 2014. [Dkt. No. 1.] A Petition for Cancellation is a pleading to which a responsive pleading is required. 37 CFR § 2.114(a). On July 20, 2015, after the Board had granted several extensions of time for Respondent to file an Answer, Respondent filed a Motion to Dismiss the Petition for Cancellation pursuant to Rule 12(b)(6). [Dkt No. 10.] Respondent served the 12(b) motion by First Class Mail. [*Id.*] Mansfield filed and served its Amended Petition for Cancellation on Monday, August 17. [Dkt No. 13.]

## ANALYSIS

In the Order, the Board states that “Inasmuch as none of the circumstances described by Fed.R.Civ.P. 15(a)(1) apply here, the Board will give no consideration to the amended pleading.” The Board does not explain why it concludes that Rule 15(a)(1) is inapplicable. Mansfield respectfully asserts that the Board’s conclusion that Rule 15(a)(1) does not apply is incorrect, and that the Amended Petition for Cancellation was properly and timely filed as of course pursuant to Rule 15(a)(1)(B).

If a pleading is one to which a responsive pleading is required, a party may amend its pleading as a matter of course within 21 days after service of a motion under Rule 12(b), (e), or (f). Fed.R.Civ.P. 15(a)(1)(B). Mansfield’s original Petition for Cancellation is a pleading to which a responsive pleading is required. 37 CFR § 2.114(a); TMBP 312.01 (“If a defendant fails to file an answer to a complaint during the time allowed therefore, the Board may issue a notice of default.”) Respondent

filed a motion to dismiss under Rule 12(b) in lieu of filing an Answer. TBMP 503.01. Therefore, Mansfield had 21 days from the service of Respondent's 12(b) motion (plus five additional days due to service by First Class Mail) to amend its Petition for Cancellation as a matter of course. Rule 15(a)(1)(B).

Respondent served its 12(b) motion by First Class Mail on July 20, 2015. Because Respondent served its motion by First Class Mail, Mansfield had five additional days (for a total of twenty-six days) to amend its Petition for Cancellation as a matter of course. TMBP 113.04. Twenty-six days from July 20, 2015 was Saturday, August 15. Because the deadline fell on a Saturday, Mansfield had until the following Monday, August 17 to amend its Petition for Cancellation. 37 CFR § 2.196. Mansfield filed its Amended Petition for Cancellation on August 17, 2015. Therefore, Mansfield's Amended Petition for Cancellation was timely and properly filed as a matter of course, and the Board should treat this as Mansfield's operative pleading. *See Caymus Vineyards v. Caymus Med., Inc.*, 107 USPQ2d 1519 (TTAB 2013) ("Insofar as applicant filed its amended counterclaim, set forth in its first amended answer, within 21 days of opposer's motion to dismiss, we accept applicant's first amended answer as applicant's operative pleading.")

The Board states that Mansfield has fifteen days from the date of the August 25 Order to file a Motion for Leave to Amend the Petition for Cancellation. As set forth above, Mansfield was not required to obtain leave prior to filing its Amended Petition for Cancellation. To the extent the Board believes that Mansfield may only amend its

pleading by filing an accompanying motion, Mansfield submits this Motion to Amend. Mansfield also attaches a signed copy of the amended Petition for Cancellation (Exhibit A) and a red-lined copy showing the proposed changes (Exhibit B) pursuant to TBMP 507.01.

Respectfully submitted August 25, 2015.

**THE SEIGEL LAW FIRM LLC**

/Mark L. Seigel/  
Mark L. Seigel, Esq.  
1827 Powers Ferry Rd,  
Bldg 6 Ste 201  
Atlanta, GA 30339  
770-395-5920  
[seigel@addipvalue.com](mailto:seigel@addipvalue.com)

**Counsel for Petitioner**

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

**MANSFIELD OIL COMPANY OF  
GAINESVILLE, INC.,**

*Petitioner,*

vs.

**OLD WORLD INDUSTRIES, LLC,**

*Respondent.*

Cancellation. No. 92060350

Registration Nos. 3710292 and 3710339

**CERTIFICATE OF SERVICE**

I hereby certify that a true and complete copy of the foregoing MOTION TO AMEND PETITION FOR CANCELLATION has been served on Old World Industries, LLC by mailing said copy on August 25, 2015, via First Class Mail, postage prepaid, to:

Ronald A. DiCerbo, Esq.  
McAndrews, Held & Malloy, Ltd.  
34<sup>th</sup> Floor  
500 West Madison Street  
Chicago, IL 60661

/Mark L. Seigel/  
Mark L. Seigel

## **EXHIBIT A**

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

**MANSFIELD OIL COMPANY OF  
GAINESVILLE, INC.,**

*Petitioner,*

vs.

**OLD WORLD INDUSTRIES, LLC,**

*Respondent.*

Cancellation. No. 92060350

Registration Nos. 3710292 and 3710339

**AMENDED PETITION FOR CANCELLATION**

Mansfield Oil Company of Gainesville, Inc. (“Mansfield”) is likely to be damaged by the continued registration of the mark shown in U.S. Trademark Registration Nos. 3710339 and 3710292, and hereby petitions to cancel the registrations. The grounds for cancellation are as follows:

1. Mansfield filed an application to register the mark BLUE LEAF for “diesel exhaust fluid” on July 25, 2013.
2. The BLUE LEAF Application matured into a registration on October 14, 2014.
3. Mansfield has used and/or intends to use its BLUE LEAF mark in commerce in the following logo format (“BLUE LEAF Logo”):





4. On information and belief, Old World Industries, LLC (“Old World”) owns U.S. Trademark Registration Nos. 3710339 and 3710292 for the marks BLUEDEF and BLUEDEF (and Design) (collectively BLUEDEF Registrations).

5. The BLUEDEF Registrations are for “liquid reducing agent composed of urea and water for use in selective catalytic reduction for diesel exhaust systems.”

6. On information and belief, a “liquid reducing agent composed of urea and water for use in selective catalytic reduction for diesel exhaust systems” is more commonly referred to as “diesel exhaust fluid.”

7. According to the Wikipedia page for “Diesel exhaust fluid,” it is “an aqueous urea solution made with 32.5% high-purity urea (AUS 32) and 67.5% deionized water.” (Exhibit A.)

8. On information and belief, DEF is a commonly used initialization for “diesel exhaust fluid.”

9. DEF is a generic initialization for “diesel exhaust fluid.”

10. According to the websites AcronymFinder and Thre Free Dictionary by Farlex, DEF is an abbreviation for “diesel exhaust fluid.” (Exhibit B.)

11. The color blue is commonly used on packaging for DEF. (Exhibit C.)

12. The color blue is commonly used to designate DEF dispensers at fuel stations. (Exhibit D.)

13. The color blue is commonly used on automobile DEF tank caps. (Exhibit E.)

14. On information and belief, the color green is the industry standard color for diesel fuel dispensers and automobile diesel fuel tank caps.

15. On information and belief, the color blue is used in the industry to easily distinguish DEF dispensers and tanks from diesel fuel dispensers and tanks.

16. The color blue is functional when used on DEF packaging, dispensers and tank caps.

17. Old World prominently uses the color blue on its advertising and packaging for its DEF, as well as on its mobile DEF dispensing units. (Exhibit F.)

18. On information and belief, the word “blue” describes some quality, characteristic or feature of diesel exhaust fluid, namely that the high content of water in the solution frequently results in a slight blue tint. (Exhibit G.)

19. On information and belief, the word “blue” describes some quality, characteristic or feature of diesel exhaust fluid, namely that it results in bluer skies from clean emissions realized by using DEF. (Exhibit G.)

20. The word “blue” in Old World’s mark is the equivalent of the color blue when used on packaging and dispensers for DEF, and therefore is incapable of serving as a source-identifier.

21. The word “blue” when used on or in connection with Old World’s goods is merely descriptive of some quality, characteristic or feature of the goods.

22. The word “blue” has not become distinctive as an indication of the source of Old World’s goods.

23. Old World has alleged that Mansfield's use of the BLUE LEAF Logo mark is likely to cause confusion with its BLUEDEF Registrations.

24. The BLUEDEF Registrations are invalid because they are comprised of the generic word BLUE and the generic abbreviation DEF, because the term BLUE does not serve as a source identifier when used on packaging for DEF, and because they are a combination of the merely descriptive term BLUE and the generic abbreviation DEF, and the word "blue" has not acquired distinctiveness as an indicator of source for Old World's DEF.

WHEREFORE Mansfield requests that its petition to cancel U.S. Trademark Registration Nos. 3710339 and 3710292 be SUSTAINED. Alternatively, Mansfield requests that the Board cancel U.S. Registration No. 3710339 and rectify the register with respect to U.S. Registration No. 3710292 and enter a disclaimer of BLUE and DEF.

Submitted August 17, 2015.

**THE SEIGEL LAW FIRM LLC**

/Mark L. Seigel/  
Mark L. Seigel, Esq.  
1827 Powers Ferry Rd,  
Bldg 6 Ste 201  
Atlanta, GA 30339  
770-395-5920  
[seigel@addipvalue.com](mailto:seigel@addipvalue.com)

**Counsel for Petitioner**

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

**MANSFIELD OIL COMPANY OF  
GAINESVILLE, INC.,**

*Petitioner,*

vs.

**OLD WORLD INDUSTRIES, LLC,**

*Respondent.*

Cancellation. No. 92060350

Registration Nos. 3710292 and 3710339

**CERTIFICATE OF SERVICE**

I hereby certify that a true and complete copy of the foregoing AMENDED PETITION FOR CANCELLATION has been served on Old World Industries, LLC by mailing said copy on August 17, 2015, via First Class Mail, postage prepaid, to:

Ronald A. DiCerbo, Esq.  
McAndrews, Held & Malloy, Ltd.  
34<sup>th</sup> Floor  
500 West Madison Street  
Chicago, IL 60661

/Mark L. Seigel/

Mark L. Seigel

**EXHIBIT A**

# Diesel exhaust fluid

From Wikipedia, the free encyclopedia

**Diesel exhaust fluid (DEF)**, commonly referred to as **AdBlue** in Europe, Australia, and New Zealand, and standardised as **ISO 22241**<sup>[1]</sup> is an aqueous urea solution made with 32.5% high-purity urea (AUS 32) and 67.5% deionized water. DEF is used as a consumable in selective catalytic reduction (SCR) in order to lower NO<sub>x</sub> concentration in the diesel exhaust emissions from diesel engines.<sup>[2]</sup>

DEF is used in Daimler AG's BlueTec system that has been built into several diesel trucks and cars. The German Association of the Automotive Industry (VDA) controls the "AdBlue" trademark and uses it to ensure quality standards are maintained in accordance with DIN 70070 and ISO 22241 specifications.



Diesel exhaust fluid for sale in small quantities

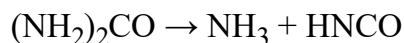
## Contents

- 1 Chemistry
- 2 Storage
- 3 References
- 4 External links

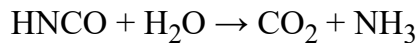
## Chemistry

Diesel engines can be run with a lean burn air-to-fuel ratio (overstoichiometric ratio), to ensure the full combustion of soot and to prevent the exhaust of unburnt fuel. The excess of oxygen necessarily leads to generation of nitrogen oxides (NO<sub>x</sub>), which are harmful pollutants, from the nitrogen in the air. Selective catalytic reduction is used to reduce the amount of NO<sub>x</sub> released into the atmosphere. Diesel exhaust fluid (from a separate DEF tank) is injected into the exhaust pipeline, the aqueous urea vaporizes and decomposes to form ammonia and carbon dioxide. Within the SCR catalyst, the NO<sub>x</sub> are catalytically reduced by the ammonia (NH<sub>3</sub>) into water (H<sub>2</sub>O) and nitrogen (N<sub>2</sub>), which are both harmless; and these are then released through the exhaust.<sup>[3]</sup>

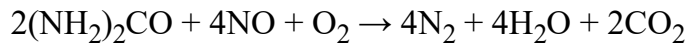
DEF (Diesel Exhaust Fluid) is a 32.5% solution of Urea (NH<sub>2</sub>)<sub>2</sub>CO. When the urea solution is injected into the hot exhaust gas stream the water evaporates. The urea thermally decomposes to form ammonia and isocyanic acid:



The Isocyanic acid hydrolyses to carbon dioxide and ammonia:



The overall reduction of NO<sub>x</sub> by urea is:



## Storage

SCR systems are sensitive to potential chemical impurities in the urea solution, therefore the solvent is demineralized water. The urea solution is clear, non-toxic and safe to handle. However, it can corrode some metals and so must be stored and transported carefully.

DEF is stored in a tank on board the vehicle, and injected into the exhaust stream by a metering system. The injection rate depends on the specific after-treatment system, but is typically 2-6% of diesel consumption volume. This low dosing rate ensures long fluid refill intervals and minimises the tank's size (and subsequent obstruction into vehicle packaging space). An electronic control unit adjusts the addition of fluid in accordance with such parameters as engine operating temperature and speed.

Diesel exhaust fluid is offered to consumers through a variety of quantities by manufacturers ranging from containers of it for single or repeated small usage, up to bulk carriers for consumers that require a large amount of DEF. It is recommended that DEF be stored in a cool, dry, and well-ventilated area that is out of direct sunlight. As of 2013, a number of truck stops are beginning to add DEF pumps, in which diesel exhaust fluid is administered at pumps similarly to diesel, and often located adjacent to fuel pumps such that the vehicle operator can fill up on both without moving the truck.

In the UK, the storage of DEF is now under scrutiny of the Environment Agency who are proposing new controls following a number of spills of DEF into the environment. Although not toxic, DEF can cause the catastrophic de-oxidation of water bodies leading to damage of the aquatic environment.<sup>[4]</sup>

## References

1. "ISO 22241 Specification" ([http://www.iso.org/iso/iso\\_catalogue/catalogue\\_tc/catalogue\\_detail.htm?csnumber=42941](http://www.iso.org/iso/iso_catalogue/catalogue_tc/catalogue_detail.htm?csnumber=42941)). ISO. Retrieved 15 March 2012.
2. "What is DEF?" ([http://www.cumminsfiltration.com/pdfs/product\\_lit/americas\\_brochures/MB10033.pdf](http://www.cumminsfiltration.com/pdfs/product_lit/americas_brochures/MB10033.pdf)) (PDF). *Cummins Filtration*.
3. "How it works" (<http://h2blu.ca/about-def/how-it-works>). *H2Blu*.
4. "Large spills into water bodies" (<http://www.environment-agency.gov.uk/business/topics/pollution/39083.aspx>).

## External links

- VDA website entry on Adblue (<http://www.vda.de/en/arbeitsgebiete/adblue/>)
- Recommended handling guidelines (<http://www.handling-adblue.co.uk/>)
- Diesel Exhaust Fluid search engine for North America (<http://www.discoverdef.com>)
- AdBlue search engine for Europe (<http://www.findadblue.com>)
- FactsAboutSCR.com (<http://www.FactsAboutSCR.com>) North American SCR Stakeholders Group
- MSDS sheet (<http://www.noxblue.com/products/NOxBLUE-msds.pdf>)
- Retail and Industrial DEF/AdBlue/AUS32 refilling ([http://www.sd-tankwerk.de/index.php?option=com\\_acymailing&ctrl=archive&task=view&mailid=14&key=8cd7c3c3766f5f40c963b8e4d9](http://www.sd-tankwerk.de/index.php?option=com_acymailing&ctrl=archive&task=view&mailid=14&key=8cd7c3c3766f5f40c963b8e4d9))

20ab08&subid=14767-sgja8uN9o2sMb0&tmpl=component)

Retrieved from "https://en.wikipedia.org/w/index.php?title=Diesel\_exhaust\_fluid&oldid=667166196"

Categories: [Automotive technology tradenames](#) | [Emission standards](#) | [Pollution control technologies](#) | [Air pollution control systems](#) | [NOx control](#) | [Solutions](#)

- 
- This page was last modified on 16 June 2015, at 08:32.
  - Text is available under the Creative Commons Attribution-ShareAlike License; additional terms may apply. By using this site, you agree to the Terms of Use and Privacy Policy. Wikipedia® is a registered trademark of the Wikimedia Foundation, Inc., a non-profit organization.



**EXHIBIT B**

# DEF - What does DEF stand for? The Free Dictionary

<http://acronyms.thefreedictionary.com/DEF>

## DEF

Also found in: [Dictionary/thesaurus](#), [Medical](#), [Legal](#), [Financial](#), [Idioms](#), [Encyclopedia](#), [Wikipedia](#).

Category filter:  ▼

### Acronym Definition

DEF	Definition
DEF	Definite
DEF	Defrost
DEF	Diesel Exhaust Fluid ( <i>automotive</i> )
DEF	Definitions ( <i>File Name Extension</i> )
DEF	Defend( <i>ed</i> )
DEF	Deftones ( <i>band</i> )
DEF	Defense( <i>ive</i> )
DEF	Defaults ( <i>File Name Extension</i> )
DEF	Dark Elf ( <i>Everquest</i> )
DEF	Diamond Empowerment Fund
DEF	Danmarks Elektroniske Forskningsbibliotek
DEF	Data Exchange Format
DEF	Delayed Ettringite Formation ( <i>concrete</i> )
DEF	Design Exchange Format ( <i>Cadence</i> )
DEF	Decision Education Foundation
DEF	Disarmed Enemy Forces
DEF	Defense Enterprise Fund
DEF	Drug Education Forum
DEF	Deployment Expeditionary Force ( <i>US Army</i> )
DEF	Detector and Extractor of Fileprints
DEF	Direct Equipment Failure
DEF	Decayed, Extracted, and Filled Tooth
DEF	Dose Effect Factor
DEF	Digital Enforcement Faction
DEF	Distance Enumerator Function
DEF	Dependents Function
DEF	Development & Evaluation Facility
DEF	Digital Elimination Force
DEF	Defensman/Defensmen ( <i>hockey</i> )
DEF	Detection Efficiency Function ( <i>microscope</i> )
DEF	Département de l'Emploi Francophone ( <i>French: Department of Employment Francophone; various locations</i> )
DEF	Diplôme d'Entraîneur Fédéral de Football ( <i>French: Federal Football Coach Diploma</i> )
DEF	Détection Électronique Française ( <i>French: French Electronic Detection</i> )

DEF Diplôme d'Etudes Françaises (*French: Diploma of French Studies; various universities*)

DEF Digital Empowerment Foundation (*New Delhi, India*)

DEF Diplôme d'Etudes Fondamentales (*French: Fundamental Studies Diploma*)

Copyright 1988-2014 [AcronymFinder.com](http://AcronymFinder.com), All rights reserved.

| [Copyright © 2003-2015 Farlex, Inc](#)

Disclaimer

All content on this website, including dictionary, thesaurus, literature, geography, and other reference data is for informational purposes only. This information should not be considered complete, up to date, and is not intended to be used in place of a visit, consultation, or advice of a legal, medical, or any other professional.

A Mode Tend Parenting Partnership

Abbreviation to define

DEF

Find

 abbreviation
  word in meaning
  location


Examples: NFL, NASA, PSP, HIPAA, random Word(s) in meaning: chat "global warming" Postal codes: USA: 81657, Canada: T5A 0A7

## What does DEF stand for?

Your abbreviation search returned 39 meanings

[Link/Page Citation](#)

 Category  
Filters

 All definitions  
(39)

 Information  
Technology (9)

 Military &  
Government (8)

 Science &  
Medicine (9)

 Organizations,  
Schools, etc.  
(10)

 Business &  
Finance (5)

 Slang, Chat &  
Pop culture (3)

 Sort results: [alphabetical](#) | [rank ?](#)

Rank	Abbr.	Meaning
------	-------	---------

★★★★★	DEF	Definition
-------	-----	------------



★★★★★	DEF	Diesel Exhaust Fluid (automotive)
-------	-----	-----------------------------------



★★★★★	DEF	Definitions (File Name Extension)
-------	-----	-----------------------------------



















★★★★★	DEF	Defend(ed)
-------	-----	------------



★★★★★	DEF	Definite
-------	-----	----------



★★★★★ DEF	Deftones (band)	
★★★★★ DEF	Defense(ive)	
★★★★★ DEF	Defaults (File Name Extension)	
★★★★★ DEF	Defrost	
★★★★★ DEF	Dark Elf (Everquest)	
★★★★★ DEF	Diamond Empowerment Fund	
★★★★★ DEF	Danmarks Elektroniske Forskningsbibliotek	
★★★★★ DEF	Data Exchange Format	
★★★★★ DEF	Delayed Ettringite Formation (concrete)	
★★★★★ DEF	Design Exchange Format (Cadence)	
★★★★★ DEF	Decision Education Foundation	
★★★★★ DEF	Disarmed Enemy Forces	
★★★★★ DEF	Defense Enterprise Fund	
★★★★★ DEF	Drug Education Forum	
★★★★★ DEF	Deployment Expeditionary Force (US Army)	
★★★★★ DEF	Detector and Extractor of Fileprints	
★★★★★ DEF	Direct Equipment Failure	
★★★★★ DEF	Decayed, Extracted, and Filled Tooth	
★★★★★ DEF	Dose Effect Factor	
★★★★★ DEF	Distance Enumerator Function	
★★★★★		

DEF	Digital Enforcement Faction	
☆☆☆☆☆ DEF	Development & Evaluation Facility	
☆☆☆☆☆ DEF	Digital Elimination Force	
☆☆☆☆☆ DEF	Dependents Function	
☆☆☆☆☆ DEF	Defensman/Defensmen (hockey)	
☆☆☆☆☆ DEF	Detection Efficiency Function (microscope)	
☆☆☆☆☆ DEF	Détection Électronique Française (French: French Electronic Detection)	
☆☆☆☆☆ DEF	Development Education Forum	
☆☆☆☆☆ DEF	Digital Empowerment Foundation (New Delhi, India)	
☆☆☆☆☆ DEF	Diccionario de Especialidades Farmaceuticas (Spanish: Dictionary of Specialty Pharmaceuticals; software)	
☆☆☆☆☆ DEF	Diplôme d'Entraîneur Fédéral de Football (French: Federal Football Coach Diploma)	
☆☆☆☆☆ DEF	Diplôme d'Etudes Fondamentales (French: Fundamental Studies Diploma)	
☆☆☆☆☆ DEF	Diplôme d'Etudes Françaises (French: Diploma of French Studies; various universities)	
☆☆☆☆☆ DEF	Département de l'Emploi Francophone (French: Department of Employment Francophone; various locations)	

Note: We have 89 other definitions for **DEF** in our Acronym Attic

[new search](#) | [suggest new definition](#)

[Search for DEF in Online Dictionary Encyclopedia](#)

[« Previous](#)

Abbreviation Database Surfer

[Next »](#)

<a href="#">DEESMT</a>	<a href="#">DEETS</a>	<a href="#">DEF MAINT</a>	<a href="#">DEFAISE</a>
<a href="#">DEESTH</a>	<a href="#">DEETYA</a>	<a href="#">DEF-STAN</a>	<a href="#">DEFAIT</a>
<a href="#">DEESWEB</a>	<a href="#">DEEU</a>	<a href="#">DEFA</a>	<a href="#">DEFAS</a>
<a href="#">DEET</a>	<a href="#">DEEVAL</a>	<a href="#">DEFAC</a>	<a href="#">DEFAT</a>
<a href="#">DEETM</a>	<a href="#">DEEWR</a>	<a href="#">DEFACTO</a>	<a href="#">DEFB</a>

Index: <#> [A](#) [B](#) [C](#) [D](#) [E](#) [F](#) [G](#) [H](#) [I](#) [J](#) [K](#) [L](#) [M](#) [N](#) [O](#) [P](#) [Q](#) [R](#) [S](#) [T](#) [U](#) [V](#) [W](#) [X](#) [Y](#) [Z](#)

[Home](#) | [Help](#) | [About](#) | [What's New?](#) | [Suggest new acronym](#) | [Link to Us](#) | [Search Tools](#) | [State Abbreviations](#)  
| [Press](#) | [Partners](#) | [Contributors](#) | [Return Links](#) | [Statistics](#) | [Fun Buzzword Acronyms!](#) | [Read the AF Blog](#)

The World's most comprehensive professionally edited abbreviations and acronyms database.

All trademarks/service marks referenced on this site are properties of their respective owners.

The Acronym Finder is ©1988-2015, Acronym Finder, All Rights Reserved. [Feedback](#)

[Terms of usage](#) | [Licensing info](#) | [Advertising info](#) | [Privacy Policy](#) | [Site Map](#)

**EXHIBIT C**





diesel exhaust fluid tote



Mark

Web Shopping Images News Videos More Search tools



SafeSearch










**EXHIBIT D**





def dispenser

Mark

Web Shopping **Images** Videos News More Search tools



1080 x 846 - wayne.com





**EXHIBIT E**









**EXHIBIT F**



STORE LOCATOR

CONSUMER PRODUCTS

CONTACT

SEARCH



PRODUCT LINES

INDUSTRY

OUR ADVANTAGE

ABOUT

HOME | PRODUCT LINES | BLUEDEF

BLUEDEF

ABOUT

PRODUCTS

SOLUTION

VIDEO/FAQS

SPECS & SDS

LOCATOR

SEGMENTS



The purest possible end-to-end diesel exhaust fluid solution delivered by our massive nationwide network

BlueDEF

PRODUCTS



DIESEL EXHAUST FLUID



MOBILE STORAGE AND DISPENSING



MINI BULK SYSTEMS

## FIND IT FAST

---

[TRUCKING](#)

[AGRICULTURE](#)

[MINING](#)

[AUTOMOTIVE](#)

[STATIONARY](#)

[CONSTRUCTION](#)

[ABOUT](#)

[OUR ADVANTAGE](#)

[CONTACT](#)

[TERMS & CONDITIONS](#)

[PRIVACY](#)

[KEEP ME INFORMED](#)

[CONSUMER PRODUCTS](#)

[OLD WORLD INDUSTRIES](#)

[STORE LOCATOR](#)

[LINKEDIN](#)

[BLOG](#)

CONNECT WITH PEAK






[STORE LOCATOR](#)
[CONSUMER PRODUCTS](#)
[CONTACT](#)


[PRODUCT LINES](#)
[INDUSTRY](#)
[OUR ADVANTAGE](#)
[ABOUT](#)
[HOME](#) | [PRODUCT LINES](#) | [BLUEDEF](#) | [PRODUCT](#)
[BLUEDEF](#)
[ABOUT](#)
[PRODUCTS](#)
[SOLUTION](#)
[VIDEO/FAQS](#)
[SPECS & SDS](#)
[LOCATOR](#)
[SEGMENTS](#)


## MOBILE STORAGE AND DISPENSING

All BlueDEF® Mobile Storage and Dispensing systems are specifically designed and engineered for pumping Diesel Exhaust Fluid. Each system provides the strong delivery pressure needed to effectively and efficiently dispense BlueDEF®. The Mobile Drum Cart is an excellent choice for pumping DEF from various locations on your shop floor or fleet yard and the Truck Tank Dispensing Units ability to fit on the back of a pick-up truck makes it a great choice for dispensing DEF in the field.

## Mobile Drum Cart

Heavy-duty steel, 3-wheel drum cart equipped with 1/3HP Diaphragm pump, stainless steel automatic shut-off nozzle and pump bracket. Includes 10' dispense hose and 4' suction hose. Requires Part #DEF756-008B (Dispense Coupler) to connect to BlueDEF drums. (Drum not included.)

[SPECS](#)



## Mobile Truck Tank Dispensing Unit

A fully-enclosed mobile dispensing system, this unit is highly-secure and is ISO 22241 DEF compliant. Sized perfectly for pick-up truck beds, this dispensing system is housed in heavy-duty, all-poly housing, and a tamper-proof locking system. Also includes 12V self-priming diaphragm pump, 20' dispense hose, stainless steel automatic shut-off nozzle, and hinged lid to protect DEF from dust and debris. Available in 110 and 155 gallon sizes.

[SPECS](#)

[VIDEO](#)



### FIND IT FAST

TRUCKING  
AGRICULTURE  
MINING  
AUTOMOTIVE

STATIONARY  
CONSTRUCTION  
ABOUT  
OUR ADVANTAGE

CONTACT  
TERMS & CONDITIONS  
PRIVACY  
KEEP ME INFORMED

CONSUMER PRODUCTS  
OLD WORLD INDUSTRIES  
STORE LOCATOR  
LINKEDIN  
BLOG

CONNECT WITH PEAK



© COPYRIGHT PEAK 2015. ALL RIGHTS RESERVED

**EXHIBIT G**



**To:** VICNRG, LLC ([jlower@vicfuel.com](mailto:jlower@vicfuel.com))  
**Subject:** U.S. TRADEMARK APPLICATION NO. 85108009 - VICTORY BLUE - N/A  
**Sent:** 2/1/2011 11:36:35 AM  
**Sent As:** ECOM115@USPTO.GOV  
**Attachments:**

**UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)  
OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION**

**APPLICATION SERIAL NO.** 85108009

**MARK:** VICTORY BLUE

**\*85108009\***

**CORRESPONDENT ADDRESS:**

VICNRG, LLC  
VICNRG, LLC  
1670 KELLER PKWY STE 247  
KELLER, TX 76248-3777

**CLICK HERE TO RESPOND TO THIS LETTER:**  
<http://www.uspto.gov/teas/eTEASpageD.htm>

**APPLICANT:** VICNRG, LLC

**CORRESPONDENT'S REFERENCE/DOCKET**

**NO:**

N/A

**CORRESPONDENT E-MAIL ADDRESS:**

[jlower@vicfuel.com](mailto:jlower@vicfuel.com)

**OFFICE ACTION**

**STRICT DEADLINE TO RESPOND TO THIS LETTER**

TO AVOID ABANDONMENT OF APPLICANT'S TRADEMARK APPLICATION, THE USPTO MUST RECEIVE APPLICANT'S COMPLETE RESPONSE TO THIS LETTER **WITHIN 6 MONTHS** OF THE ISSUE/MAILING DATE BELOW.

**ISSUE/MAILING DATE:** **2/1/2011**

**THIS IS A FINAL ACTION.**

This Office Action replies to applicant's response dated January 14, 2010. In its response applicant provided a substitute specimen which is accepted and made of record. The applicant did not respond to the requirement regarding the meaning of the word element blue. As no new issues were raised in the response the requirement regarding the meaning of the word element blue is maintained and now made **FINAL**.

### **Significance / Meaning:**

Applicant must specify whether the wording “BLUE” has any significance in the diesel fuel or Fuel additive field, trade or industry or as applied to the goods and/or services described in the application. *See* 37 C.F.R. §2.61(b); TMEP §§808.01(a), 814.

### **Responding to a FINAL Refusal:**

If applicant does not respond within six months of the date of issuance of this final Office action, the application will be abandoned. 15 U.S.C. §1062(b); 37 C.F.R. §2.65(a). Applicant may respond to this final Office action by:

- (1) Submitting a response that fully satisfies all outstanding requirements, if feasible; and/or
- (2) Filing an appeal to the Trademark Trial and Appeal Board, with an appeal fee of \$100 per class.

37 C.F.R. §§2.6(a)(18), 2.64(a); TBMP ch. 1200; TMEP §714.04.

In certain rare circumstances, a petition to the Director may be filed pursuant to 37 C.F.R. §2.63(b)(2) to review a final Office action that is limited to procedural issues. 37 C.F.R. §2.64(a); TMEP §714.04; *see* 37 C.F.R. §2.146(b); TBMP §1201.05; TMEP §1704 (explaining petitionable matters). The petition fee is \$100. 37 C.F.R. §2.6(a)(15).

### **General Response Guidelines**

Applicant may wish to hire an attorney to assist in prosecuting this application because of the legal technicalities involved. The Office, however, cannot aid in the selection of an attorney. 37 C.F.R. §2.11. Applicant may wish to consult a local telephone directory for a listing of attorneys specializing in trademark or intellectual property law, or seek guidance from a local bar association attorney-referral service.

For this application to proceed toward registration, applicant must explicitly address each refusal and/or requirement raised in this Office action. If the action includes a refusal, applicant may provide arguments and/or evidence as to why the refusal should be withdrawn and the mark should register. Applicant may also have other options for responding to a refusal and should consider such options carefully. To respond to requirements and certain refusal response options, applicant should set forth in writing the required changes or statements.

If applicant does not respond to this Office action within six months of the issue/ mailing date, or responds by expressly abandoning the application, the application process will end, the trademark will fail to register, and the application fee will not be refunded. *See* 15 U.S.C. §1062(b); 37 C.F.R. §§2.65(a), 2.68(a), 2.209(a); TMEP §§405.04, 718.01, 718.02. Where the application has been abandoned for failure to respond to an Office action, applicant’s only option would be to file a timely petition to revive the application, which, if granted, would allow the application to return to live status. *See* 37 C.F.R. §2.66; TMEP §1714. There is a \$100 fee for such petitions. *See* 37 C.F.R. §§2.6, 2.66(b)(1).

### **To Respond to this Letter:**

Use the Trademark Electronic Application System (TEAS) response form at <http://teasroa.uspto.gov/roa/>. Please wait 48-72 hours from the issue/ mailing date before using TEAS, to allow for necessary system updates of the application. For *technical* assistance with online forms, e-mail [TEAS@uspto.gov](mailto:TEAS@uspto.gov).

**Who Must Sign the Response:**

It must be personally signed by (1) an individual applicant; (2) someone with legal authority to bind applicant (i.e., a corporate officer, a general partner, all joint applicants); or (3) an authorized attorney, if one is appointed to represent applicant.

**Periodically Check the Status of the Application:**

To ensure that applicant does not miss crucial deadlines or official notices, check the status of the application every three to four months using Trademark Applications and Registrations Retrieval (TARR) at <http://tarr.uspto.gov/>. Please keep a copy of the complete TARR screen. If TARR shows no change for more than six months, call 1-800-786-9199. For more information on checking status, see <http://www.uspto.gov/trademarks/process/status/>.

**To Update Correspondence/e-mail Address:**

Use the TEAS form at <http://www.uspto.gov/teas/eTEASpageE.htm>.

For other inquiries or questions about this office action, please contact the assigned examining attorney.

/Jeffrey S. DeFord/  
Jeffrey S. DeFord  
Examining Attorney  
Law Office 115  
United States Patent & Trademark Office  
(571) 272-9469

**To:** VICNRG, LLC ([jlower@vicfuel.com](mailto:jlower@vicfuel.com))  
**Subject:** U.S. TRADEMARK APPLICATION NO. 85108009 - VICTORY BLUE - N/A  
**Sent:** 2/1/2011 11:36:38 AM  
**Sent As:** ECOM115@USPTO.GOV  
**Attachments:**

## **IMPORTANT NOTICE REGARDING YOUR TRADEMARK APPLICATION**

**Your trademark application (Serial No. 85108009) has been reviewed. The examining attorney assigned by the United States Patent and Trademark Office (“USPTO”) has written a letter (an “Office Action”) on 2/1/2011 to which you must respond. Please follow these steps:**

1. **Read** the Office letter by clicking on this [link](#) **OR** go to <http://tmportal.uspto.gov/external/portal/tow> and enter your serial number to [access](#) the Office letter.

**PLEASE NOTE:** The Office letter may not be immediately available but will be viewable within 24 hours of this e-mail notification.

2. **Respond** within 6 months, calculated from 2/1/2011 (*or sooner if specified in the Office letter*), using the Trademark Electronic Application System [Response to Office Action form](#). If you have difficulty using the USPTO website, contact [TDR@uspto.gov](mailto:TDR@uspto.gov).

3. **Contact** the examining attorney who reviewed your application with any questions about the content of the office letter:

/Jeffrey S. DeFord/  
Jeffrey S. DeFord  
Examining Attorney  
Law Office 115  
United States Patent & Trademark Office  
(571) 272-9469

### **WARNING**

**Failure to file any required response by the applicable deadline will result in the [ABANDONMENT](#) of your application.**

**Do NOT hit “Reply” to this e-mail notification, or otherwise attempt to e-mail your response, as the USPTO does NOT accept e-mailed responses. Instead, please use the Trademark Electronic Application System [Response to Office Action form](#).**

## Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
<b>SERIAL NUMBER</b>	85108009
<b>LAW OFFICE ASSIGNED</b>	LAW OFFICE 115
<b>MARK SECTION (no change)</b>	
<b>ADDITIONAL STATEMENTS SECTION</b>	
<b>MISCELLANEOUS STATEMENT</b>	The word "BLUE" in our trademark application is a common adjective associated with Diesel Exhaust Fluid (DEF) due to the high content of water in the solution. The finished product has a very slight blue tint that occurs as a result of the water content. Blue also gives an environmentally friendly connotation associated with blue skies resulting from clean exhaust emissions that are realized by using DEF.
<b>SIGNATURE SECTION</b>	
<b>RESPONSE SIGNATURE</b>	/jal/
<b>SIGNATORY'S NAME</b>	Jason A Lower
<b>SIGNATORY'S POSITION</b>	Vice President
<b>DATE SIGNED</b>	02/10/2011
<b>AUTHORIZED SIGNATORY</b>	YES
<b>CONCURRENT APPEAL NOTICE FILED</b>	NO
<b>FILING INFORMATION SECTION</b>	
<b>SUBMIT DATE</b>	Thu Feb 10 12:11:42 EST 2011
<b>TEAS STAMP</b>	USPTO/RFR-71.244.26.56-20 110210121142185259-851080 09-48046b4a8a0fbf96513ac3 a919d1599d4-N/A-N/A-20110 210113945206182

## **Request for Reconsideration after Final Action To the Commissioner for Trademarks:**

Application serial no. **85108009** has been amended as follows:

### **ADDITIONAL STATEMENTS**

The word "BLUE" in our trademark application is a common adjective associated with Diesel Exhaust Fluid (DEF) due to the high content of water in the solution. The finished product has a very slight blue tint that occurs as a result of the water content. Blue also gives an environmentally friendly connotation associated with blue skies resulting from clean exhaust emissions that are realized by using DEF.

### **SIGNATURE(S)**

#### **Request for Reconsideration Signature**

Signature: /jal/ Date: 02/10/2011

Signatory's Name: Jason A Lower

Signatory's Position: Vice President

The signatory has confirmed that he/she is not represented by either an authorized attorney or Canadian attorney/agent, and that he/she is either (1) the applicant or (2) a person(s) with legal authority to bind the applicant; and if an authorized U.S. attorney or Canadian attorney/agent previously represented him/her in this matter, either he/she has filed a signed revocation of power of attorney with the USPTO or the USPTO has granted the request of his/her prior representative to withdraw.

The applicant is not filing a Notice of Appeal in conjunction with this Request for Reconsideration.

Serial Number: 85108009

Internet Transmission Date: Thu Feb 10 12:11:42 EST 2011

TEAS Stamp: USPTO/RFR-71.244.26.56-20110210121142185

259-85108009-48046b4a8a0fbf96513ac3a919d

1599d4-N/A-N/A-20110210113945206182

**EXHIBIT B**

**Statement of Grounds**

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

**MANSFIELD OIL COMPANY OF  
GAINESVILLE, INC.,**

*Petitioner,*

vs.

**OLD WORLD INDUSTRIES, LLC,**

*Respondent.*

Cancellation. No. 92060350

Registration Nos. 3710292 and 3710339

**AMENDED PETITION FOR CANCELLATION**

Mansfield Oil Company of Gainesville, Inc. (“Mansfield”) is likely to be damaged by the continued registration of the mark shown in U.S. Trademark Registration Nos. 3710339 and 3710292, and hereby petitions to cancel the registrations. The grounds for cancellation are as follows:

1. Mansfield filed an application to register the mark BLUE LEAF for “diesel exhaust fluid” on July 25, 2013.
2. The BLUE LEAF Application matured into a registration on October 14, 2014.
3. Mansfield has used and/or intends to use its BLUE LEAF mark in commerce in the following logo format (“BLUE LEAF Logo”):





4. On information and belief, Old World Industries, LLC (“Old World”) owns U.S. Trademark Registration Nos. 3710339 and 3710292 for the marks BLUEDEF and BLUEDEF (and Design) (collectively BLUEDEF Registrations).

5. The BLUEDEF Registrations are for “liquid reducing agent composed of urea and water for use in selective catalytic reduction for diesel exhaust systems.”

6. On information and belief, a “liquid reducing agent composed of urea and water for use in selective catalytic reduction for diesel exhaust systems” is more commonly referred to as “diesel exhaust fluid.”

7. According to the Wikipedia page for “Diesel exhaust fluid,” it is “an aqueous urea solution made with 32.5% high-purity urea (AUS 32) and 67.5% deionized water.” (Exhibit A.)

7.8. On information and belief, DEF is a commonly used initialization for “diesel exhaust fluid.”

8.9. DEF is a generic initialization for “diesel exhaust fluid.”

10. According to the websites AcronymFinder and Thre Free Dictionary by Farlex, DEF is an abbreviation for “diesel exhaust fluid.” (Exhibit B.)

11. The color blue is commonly used on packaging for DEF. (Exhibit C.)

12. The color blue is commonly used to designate DEF dispensers at fuel stations.

(Exhibit D.)

13. The color blue is commonly used on automobile DEF tank caps. (Exhibit E.)

14. On information and belief, the ~~term “blue” is commonly used to describe~~ color green is the industry standard color for diesel fuel dispensers and automobile diesel fuel tank caps.

15. On information and belief, the color blue is used in the industry to easily distinguish DEF dispensers and tanks from diesel fuel dispensers and tanks.

16. The color blue is functional when used on DEF packaging, dispensers and tank caps.

17. Old World prominently uses the color blue on its advertising and packaging for its DEF, as well as on its mobile DEF dispensing units. (Exhibit F.)

9-18. On information and belief, the word “blue” describes some quality, characteristic or feature of diesel exhaust fluid ~~because, namely that~~ the high content of water in the solution frequently results in a slight blue tint. (Exhibit G.)

10. ~~Numerous third parties have registered marks that include the term BLUE for diesel exhaust fluid and related goods and services.~~

19. ~~As~~ On information and belief, the word “blue” describes some quality, characteristic or feature of diesel exhaust fluid, namely that it results in bluer skies from clean emissions realized by using DEF. (Exhibit G.)

20. The word “blue” in Old World’s mark is the equivalent of the color blue when used on packaging and dispensers for DEF, and therefore is incapable of serving as a result, no single entity, including Old World, has the exclusive right to use BLUEsource-identifier.

21. The word “blue” when used on or in connection with ~~diesel exhaust fluid~~Old World’s goods is merely descriptive of some quality, characteristic or feature of the goods.

11-22. The word “blue” has not become distinctive as an indication of the source of Old World’s goods.

12-23. Old World has alleged that Mansfield’s use of the BLUE LEAF Logo mark is likely to cause confusion with its BLUEDEF Registrations.

13-24. The BLUEDEF Registrations are invalid because they are comprised of the generic word BLUE and the generic abbreviation DEF, because the term BLUE does not serve as a source identifier when used on packaging for DEF, and because they are a combination of the merely descriptive term BLUE and the generic ~~initialization DEF for “diesel exhaust fluid.”~~abbreviation DEF, and the word “blue” has not acquired distinctiveness as an indicator of source for Old World’s DEF.

WHEREFORE Mansfield requests that its petition to cancel U.S. Trademark Registration Nos. 3710339 and 3710292 be SUSTAINED. Alternatively, Mansfield requests that the Board cancel U.S. Registration No. 3710339 and rectify the register

with respect to U.S. Registration No. 3710292 and enter a disclaimer of BLUE and DEF.

Submitted August 25, 2015.

**THE SEIGEL LAW FIRM LLC**

/Mark L. Seigel/  
Mark L. Seigel, Esq.  
1827 Powers Ferry Rd,  
Bldg 6 Ste 201  
Atlanta, GA 30339  
770-395-5920  
[seigel@addipvalue.com](mailto:seigel@addipvalue.com)  
**Counsel for Petitioner**