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

PERFECT FOODS, INC.

Opposer

v.

JOHN D. GULLAHORN

Applicant

Opposition No. 91160978

In re App. Serial N. 78/247,326
Mark: Cool Cat Products and Design
Filed: May 8, 2003
Class: 18
Applicant John D.Gullahorn
Published in the OFFICAL GAZETTE at TM 433 on May 11, 2004

**NOTICE OF RELIANCE ON DEPOSITION TESTIMONY OF
JEAN R. GULLAHORN, DVM**

Applicant, John D. Gullahorn, dba Cool Cat Products, hereby gives notice that he intends to rely upon the deposition testimony of Dr. Jean R. Gullahorn, taken on May 26, 2005 in the above-identified opposition. In particular, Applicant seeks to rely on Dr. Gullahorn's testimony to establish the indicated facts:

- Identification of Applicant's goods;
- Identification and authentication of Applicant's trademark specimens;
- Identification and authentication of Applicant's sales receipts;
- Identification of Applicant's Florida customers;
- Identification of Applicant's out-of-state customers;
- Identification of Applicants out-of-country customers;
- Identification of Applicant's wholesalers;



06-01-2005

Use of Applicant's mark as an indicator of origin for Applicant's goods from 2000 to present;

Date of first use of Applicant's mark as an indicator of origin for Applicant's goods in connection with the sale of Applicant's goods to a customer in Florida;

Date of first use of Applicant's mark as an indicator of origin for Applicant's goods in connection with the sale of Applicant's goods to an out-of-state customer;

Date of first use of Applicant's mark as an indicator of origin for Applicant's goods in connection with the sale of Applicant's goods to an out-of-country customer;

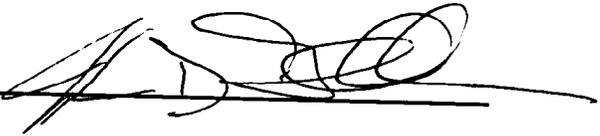
Date of first use of Opposer's mark to be some time after June 2003; and

Opposer's admission that cat wheatgrass was a new product in advertising flyer
Opposer dated as December 2001.

Respectfully submitted,

John D. Gullahorn, dba Cool Cat Products

Date: May 26, 2005

By: 

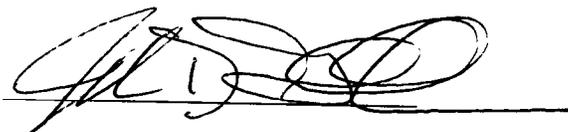
John D. Gullahorn, dba Cool Cat Products
Applicant

John D. Gullahorn
Cool Cat Products
4111 Calico Drive
Cantonment, FL 32533
(850) 478-CATS

CERTIFICATE OF MAILING (37 C.F.R. ^ 1.8a)

I hereby certify that this NOTICE OF RELIANCE ON DEPOSITION TESTIMONY OF JEAN R. GULLAHORN, DVM (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Trademark Trial and Appeal Board, 2900 Crystal Drive, Arlington, VA 22202-3513.

John D. Gullahorn

A handwritten signature in black ink, appearing to read 'John D. Gullahorn', written over a horizontal line.

Date: May 26, 2005

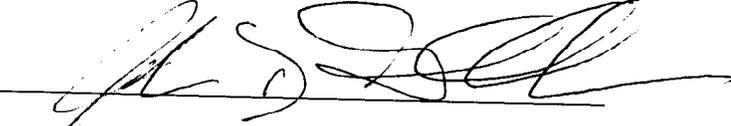
CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing NOTICE OF RELIANCE ON DEPOSITION TESTIMONY OF JEAN R. GULLAHORN, DVM has been forwarded this 26th day of May 2005, by first class mail, postage prepaid and addressed to:

Dennis T. Griggs
Griggs Bergen LLP
17950 Preston Road, Suite 1000
Dallas, Texas 75252

Angela Garcia-McSweeney
Benjamin Ostrer & Associates, PC
111 Main Street, P.O. Box 509
Chester, New York 10918

By: _____


John D. Gullahorn, dba Cool Cat Products
Applicant

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NOTICE OF RELIANCE ON SWORN AFFIDAVIT OF
JEAN R. GULLAHORN, DVM

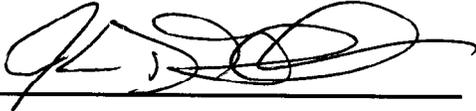
Applicant, John D. Gullahorn, dba Cool Cat Products, hereby gives notice that he intends to rely upon the sworn affidavit of Dr. Jean R. Gullahorn, (Applicant's exhibit 19 attached hereto) given on May 26, 2005 in the above-identified opposition. In particular, Applicant seeks to rely on Dr. Gullahorn's sworn affidavit to establish the indicated facts:

Capacity of Applicant's witness, Dr. Jean R. Gullahorn, as co-owner of Cool Cat Products, in her deposition testimony given on May 26, 2005.

Respectfully submitted,

John D. Gullahorn, dba Cool Cat Products

Date: May 26, 2005

By: 

John D. Gullahorn, dba Cool Cat Products
Applicant

John D. Gullahorn
Cool Cat Products
4111 Calico Drive
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(850) 478-CATS

CERTIFICATE OF MAILING (37 C.F.R. ^ 1.8a)

I hereby certify that this NOTICE OF RELIANCE ON SWORN AFFIDAVIT OF DR. JEAN R. GULLAHORN (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Trademark Trial and Appeal Board, 2900 Crystal Drive, Arlington, VA 22202-3513.

John D. Gullahorn

A handwritten signature in black ink, appearing to read 'JDG', is written over a horizontal line.

Date: May 26, 2005

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing NOTICE OF RELIANCE ON SWORN AFFIDAVIT OF DR. JEAN R. GULLAHORN has been forwarded this 26th day of May 2005, by first class mail, postage prepaid and addressed to:

Dennis T. Griggs
Griggs Bergen LLP
17950 Preston Road, Suite 1000
Dallas, Texas 75252

Angela Garcia-McSweeney
Benjamin Ostrer & Associates, PC
111 Main Street, P.O. Box 509
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AFFIDAVIT

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-----X

STATE OF FLORIDA)
) SS:
COUNTY OF ESCAMBIA)

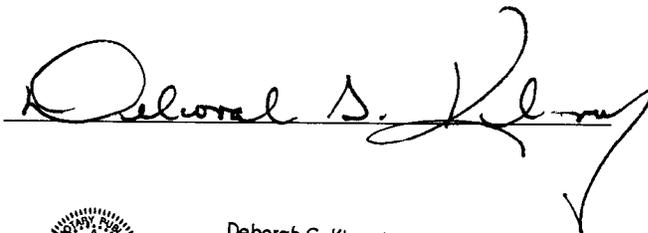
DR. JEAN R. GULLAHORN, being duly sworn, deposes and says:

I appeared at the Court Reporting Office of Anchor Court Reporting, 127 W. Intendencia St., Pensacola, Florida 32502 for a deposition as a witness for John D. Gullahorn, dba Cool Cat Collars, in the capacity of co-owner of Cool Cat Products.



Jean R. Gullahorn, DVM

Sworn to before me this 26th day of May, 2005



Deborah G. Kharuf

Applicant's Exhibit 19



Deborah G. Kharuf
MY COMMISSION # DD221845 EXPIRES
July 6, 2007
BONDED THRU TROY FAIN INSURANCE, INC.

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**NOTICE OF RELIANCE ON DEPOSITION TESTIMONY OF
JOHN D. GULLAHORN**

Applicant, John D. Gullahorn, dba Cool Cat Products, hereby gives notice that he intends to rely upon the deposition testimony of himself, John D. Gullahorn, taken on May 26, 2005 in the above-identified opposition. In particular, Applicant seeks to rely on his own testimony to establish the indicated facts:

- Identification of Applicant's goods;
- Identification and authentication of Applicant's trademark specimens;
- Identification and authentication of Applicant's sales receipts;
- Identification of Applicant's Florida customers;
- Identification of Applicant's out-of-state customers;
- Identification of Applicants out-of-country customers;
- Identification of Applicant's wholesalers;

Use of Applicant's mark as an indicator of origin for Applicant's goods from 2000 to present;

Date of first use of Applicant's mark as an indicator of origin for Applicant's goods in connection with the sale of Applicant's goods to a customer in Florida;

Date of first use of Applicant's mark as an indicator of origin for Applicant's goods in connection with the sale of Applicant's goods to an out-of-state customer;

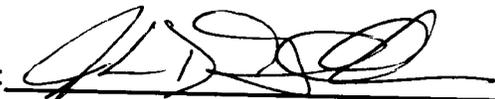
Date of first use of Applicant's mark as an indicator of origin for Applicant's goods in connection with the sale of Applicant's goods to an out-of-country customer; and

Use of the Internet as his primary method of advertisement.

Respectfully submitted,

John D. Gullahorn, dba Cool Cat Products

Date: May 26, 2005

By: 

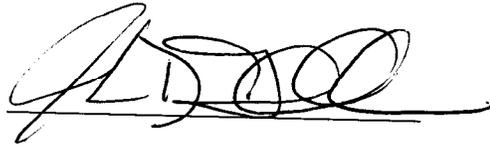
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Applicant