

ESTTA Tracking number: **ESTTA61201**

Filing date: **01/10/2006**

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	Urban Vet PLLC
Granted to Date of previous extension	01/11/2006
Address	1405 Elliott Avenue West, Suite 100 Seattle, WA 98119 UNITED STATES

Attorney information	Everett E. Fruehling, Esq. Christensen O'Connor Johnson Kindness PLLC 1420 Fifth Avenue, Suite 2800 Seattle, WA 98101-2347 UNITED STATES everett@cojk.com, ger@cojk.com, kalatas@cojk.com Phone:206-682-8100
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Applicant Information

Application No	78531745	Publication date	09/13/2005
Opposition Filing Date	01/10/2006	Opposition Period Ends	01/11/2006
Applicant	Birkett, Holly A. 2440 Western ave #706 Seattle, WA 98121 UNITED STATES		

Goods/Services Affected by Opposition

Class 044. All goods and services in the class are opposed, namely: professional VETERINARY medical and surgical services
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Attachments	2825282.pdf (4 pages)
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Signature	/Everett E. Fruehling/
Name	Everett E. Fruehling, Esq.
Date	01/10/2006

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

Applicant: Holly A. Birkett

International Class: 44

Serial No.: 78/531,745

Published for Opposition: September 13, 2005

Filed: December 13, 2004

Attorney Docket No.: UVET-6-2825

Mark: URBANVET

Services: Professional veterinary medical and surgical services.

Urban Vet PLLC,

Opposition No. _____

Opposer,

NOTICE OF OPPOSITION

v.

Holly A. Birkett,

Applicant.

NOTICE OF OPPOSITION

Seattle, Washington 98101
January 10, 2006

TO THE COMMISSIONER FOR TRADEMARKS
TRADEMARK TRIAL AND APPEAL BOARD:

Urban Vet PLLC (hereinafter "Opposer"), a Washington corporation, with a principal place of business at 1405 Elliott Avenue, Seattle, Washington 98119, believes that it will be damaged by registration of the mark URBANVET, shown in U.S. Service Mark Application Serial No. 78/531,745, and hereby opposes the same.

As grounds in support of this Opposition, Opposer alleges as follows:

1. Opposer has adopted the mark URBANVET, since at least June 28, 2004, the date that Urban Vet PLLC was incorporated in Washington, and has adopted and used the mark URBANVET, in conjunction with veterinary services, since at least June 28, 2004.

2. URBANVET has been prominently displayed in the communication, promotion and advertisement efforts undertaken by Opposer. Opposer's use of URBANVET,

1 in conjunction with veterinary services, distinguishes Opposer's services from those of other
2 third party uses, and indicates Opposer is the distinctive source of these veterinary services.
3 As a result, URBANVET has become a valuable asset of Opposer, and a symbol of Opposer's
4 goodwill.

5 3. On December 13, 2004, Applicant filed an intent-to-use application for
6 registration of the mark URBANVET, U.S. Service Mark Application Serial No. 78/531,745,
7 for "professional veterinary medical and surgical services," in International Class 44. No
8 amendment to allege use was filed prior to publication.

9 4. On September 13, 2005, U.S. Service Mark Application Serial No. 78/531,745
10 was published for opposition.

11 5. On October 7, 2005, Opposer filed a 30-day extension of time to file Notice of
12 Opposition. The Request to Extend Time to Oppose was granted until November 12, 2005.

13 6. On November 11, 2005, Opposer filed a 60-day request for extension of time
14 to oppose for good cause, as Opposer needed additional time to investigate its claim. On
15 November 14, 2005, the Request to Extend Time to Oppose was granted until January 11,
16 2006.

17 7. Opposer's Notice of Opposition is filed prior to the January 11, 2006, deadline
18 for filing an opposition to application U.S. Service Mark Application Serial No. 78/531,745.

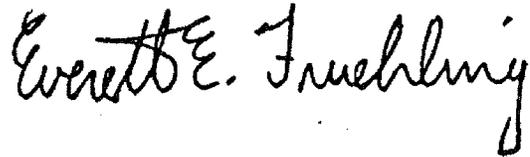
19 8. Opposer's exclusive use of URBANVET predates Applicant's intent-to-use
20 application filing date of the mark URBANVET, shown in U.S. Service Mark Application
21 Serial No. 78/531,745. Opposer has, therefore, from a date prior to any date upon which
22 Applicant can rely, used URBANVET, in conjunction with veterinary services.

23 9. Applicant's mark URBANVET, shown in U.S. Service Mark Application
24 Serial No. 78/531,745, is confusingly similar to Opposer's URBANVET mark, so as to be
25 likely, when used in conjunction with Opposer's services, to cause confusion or to cause
26 mistake, or to deceive within the meaning of Section 2(d) of the Lanham Act,
27 15 U.S.C. §1052(d).

1 Please direct all telephone calls to Everett E. Fruehling at 206-695-1743.

2 Dated this 10th day of January, 2006.

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4 CHRISTENSEN O'CONNOR
JOHNSON KINDNESS^{PLLC}

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Everett E. Fruehling
George E. Renzoni, Ph.D.
Attorneys for Opposer Urban Vet PLLC

CERTIFICATE OF FILING

I hereby certify that on January 10, 2006, I electronically filed this NOTICE OF OPPOSITION in U.S. Service Mark Application Serial No. 78/531,745 for the mark URBANVET using the ESTTA electronic filing system.

Date: January 10, 2006 Jeffrey Harbert