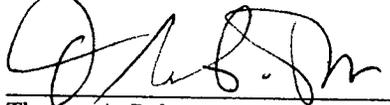


**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
**TRADEMARK TRIAL AND APPEAL BOARD**

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited in the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Trademarks, P.O. Box 1451, Alexandria, Virginia 22313-1451 on January 18, 2006.



Thomas A. Polcyn  
Reg. No. 41,256

Attorney Docket: 43497-58653

Societe des Produits Nestle S.A.

Opposer,

v.

Grasshopper Packing Company, LLC

Applicant.

Opposition No. \_\_\_\_\_

App. Ser. No. 78/601,305

Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, Virginia 22313-1451

**LETTER**

Enclosed please find:

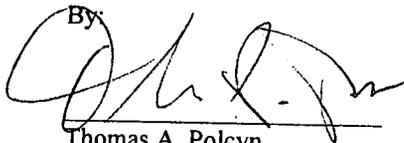
1. Notice of Opposition and Exhibit 1 (in triplicate);
2. Authorization is hereby given to charge Deposit Account 20-0823 \$300.00 for the Notice of Opposition filing fee. A duplicate copy of this Letter is enclosed for that purpose.

Please file said Opposition.

Respectfully submitted,

THOMPSON COBURN LLP

By:



Thomas A. Polcyn  
Reg. No. 41,256  
David B. Jenkins  
Reg. No. 46,805  
One US Bank Plaza  
St. Louis, Missouri 63101  
(314) 552-6000

ATTORNEYS FOR OPPOSER

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

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited in the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Trademarks, P.O. Box 1451, Alexandria, Virginia 22313-1451 on 1-18-2006.

  
\_\_\_\_\_  
Thomas A. Polcyn  
Reg. No. 41,256

Attorney Docket: 43497-58653

Societe des Produits Nestle, S. A.	:	
	:	
Opposer,	:	Opposition No. _____
	:	
v.	:	
	:	Application No. 78/601,305
Grasshopper Packing Company, LLC	:	
	:	
Applicant.	:	

Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, Virginia 22313-1451

NOTICE OF OPPOSITION

"Opposer", Societe des Produits Nestle, S. A., a Societe Anonyme organized and existing under the laws of Switzerland, with an address of Case Postale 353, Vevey, 1800, Switzerland, believes that it will be damaged by registration of the mark BENERM in International Class 31 for "pet food", as shown in application Serial No. 78/601,305, filed by "Applicant", Grasshopper Packing Company, LLC, and hereby opposes same.

As grounds for its opposition, Opposer hereby alleges as follows:

in the Official Gazette on October 11, 2005. Opposer has requested and has been granted extensions of time in which to file a notice of opposition to and including the date hereof.

2. Opposer has continuously used its BENEFUL trademark in interstate commerce since at least as early as May 24, 2001, and has continuously used its HEALTHFUL. FLAVORFUL. BENEFUL. trademark in interstate commerce since at least as early as July 15, 2001, both in connection with its pet food (hereinafter, the BENEFUL and HEALTHFUL. FLAVORFUL. BENEFUL. marks are collectively referred to as "Opposer's Marks").

3. Opposer is owner of the following United States trademark registrations:

Mark	Reg. No.	Class	Goods	Reg. Date (App. Date)
BENEFUL	2,521,244	31	Pet food	12-18-2001 (04-24-2000)
HEALTHFUL. FLAVORFUL. BENEFUL.	2,730,615	31	Pet food	06-24-2003 (03-06-2001)

Said registrations are valid and in good standing. True and accurate copies of data for these registrations from the Trademark Office's TARR database are attached to this Notice of Opposition as Exhibit 1.

4. Opposer has promoted and sold its pet food in interstate and intrastate commerce under Opposer's Marks prior to any use by Applicant of the mark for which it seeks registration.

5. As a result of the use, promotion, and advertising of Opposer's Marks, said marks have become well known to the trade and to the public, and have accordingly acquired significant goodwill. Opposer's Marks identify and distinguish Opposer's goods from the goods of others, and identify the source and origin thereof to both the trade and the public.

6. Prior to the filing of Applicant's trademark application to register BENEDERM, Opposer's Marks were distinctive and became "famous" within the meaning of 15 U.S.C. § 1125(c).

7. Upon information and belief, Applicant has made no use of the mark for which it seeks registration, nor of any word, letter or design confusingly similar thereto as a trademark or service mark, prior to the dates of first use claimed by Opposer in its registrations shown in Exhibit 1.

8. Applicant's registration and use of its BENEDERM mark is likely to cause confusion in the minds of the trade and of the public that Applicant's goods emanate from or are licensed, sponsored or otherwise authorized by Opposer, whereas in fact they are not.

9. Registration and use of the mark for which Applicant seeks registration will cause dilution to the distinctive quality of Opposer's Marks.

10. Applicant's mark for which it seeks registration so resembles Opposer's Marks previously used in the United States by Opposer and not abandoned, as to be likely, when applied to Applicant's pet food, to cause confusion or to cause mistake or to deceive, and is an attempt to deceive the public and to benefit from the reputation and goodwill developed by Opposer.

11. Opposer will be injured and damaged by the registration of Applicant's mark, because such mark, when applied to the goods of Applicant:

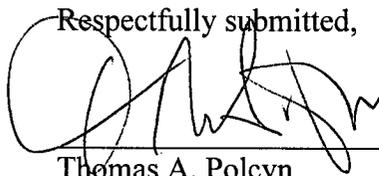
- a. is likely to cause confusion, or to cause mistake, or to deceive;
- b. falsely suggests a connection with Opposer;
- c. is likely to cause dilution of the distinctive quality of Opposer's Marks; and
- d. will damage Opposer's valuable goodwill in Opposer's Marks.

12. By reason of the foregoing, Applicant is not entitled to the registration of the trademark sought by its application.

WHEREFORE, Opposer respectfully prays that this opposition be sustained and the application for registration denied.

Authorization is hereby given to charge Deposit Account 20-0823 \$300.00 for the Notice of Opposition fee. This is believed to be the correct fee, but if it is not, please be hereby authorized to debit our Account 20-0823 or credit any excess thereto.

Respectfully submitted,

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

Thomas A. Polcyn  
David B. Jinkins  
THOMPSON COBURN LLP  
One US Bank Plaza  
St. Louis, Missouri 63101  
(314) 552-6000

Attorneys for Opposer  
Societe des Produits Nestle S.A.

Exhibit 1

**Thank you for your request. Here are the latest results from the TARR web server.**

**This page was generated by the TARR system on 2006-01-12 10:02:26 ET**

**Serial Number:** 76031544 Assignment Information

**Registration Number:** 2521244 Assignment Information

**Mark (words only):** BENEFUL

**Standard Character claim:** No

**Current Status:** Registered.

**Date of Status:** 2001-12-18

**Filing Date:** 2000-04-24

**Transformed into a National Application:** No

**Registration Date:** 2001-12-18

**Register:** Principal

**Law Office Assigned:** LAW OFFICE 101

**If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov**

**Current Location:** 900 -File Repository (Franconia)

**Date In Location:** 2002-01-03

---

**LAST APPLICANT(S)/OWNER(S) OF RECORD**

---

1. RALSTON PURINA COMPANY

**Address:**

RALSTON PURINA COMPANY  
Checkerboard Square  
St. Louis, MO 63164  
United States

**Legal Entity Type:** Corporation

**State or Country of Incorporation:** Missouri

---

**GOODS AND/OR SERVICES**

---

**International Class:** 031

pet food

**First Use Date:** 2001-05-24

**First Use in Commerce Date:** 2001-05-24

**Basis:** 1(a)

---

**ADDITIONAL INFORMATION**

---

(NOT AVAILABLE)

---

**MADRID PROTOCOL INFORMATION**

---

(NOT AVAILABLE)

---

**PROSECUTION HISTORY**

---

2005-03-16 - Attorney Revoked And/Or Appointed  
2005-03-16 - TEAS Revoke/Appoint Attorney Received  
2002-12-03 - TEAS Change of Correspondence Received  
2001-12-18 - Registered - Principal Register  
2001-07-30 - Allowed for Registration - Principal Register (SOU accepted)  
2001-07-26 - Case file assigned to examining attorney  
2001-07-22 - Statement of use processing complete  
2001-06-25 - Amendment to Use filed  
2001-05-01 - Notice of allowance - mailed  
2001-02-06 - Published for opposition  
2001-01-05 - Notice of publication  
2000-09-30 - Approved for Pub - Principal Register (Initial exam)  
2000-09-27 - Case file assigned to examining attorney

---

**CORRESPONDENCE INFORMATION**

---

**Correspondent**

Nestle Purina PetCare Company  
Intellectual Property Dept. 11T  
Checkerboard Square  
St. Louis MO 63164

**Phone Number:** 314-982-4081

**Fax Number:** 314-982-1613

**Domestic Representative**

Nestle Purina PetCare Company

**Phone Number:** 314-982-4081

**Fax Number:** 314-982-1613

---



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[Home](#) | [Site Index](#) | [Search](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#) | [Help](#)[Assignments on the Web](#) > Trademark Query**Trademark Assignment Abstract of Title****Total Assignments: 3****Serial #:** 76031544**Filing Dt:** 04/24/2000**Reg #:** 2521244**Reg. Dt:** 12/18/2001**Registrant:** RALSTON PURINA COMPANY**Mark:** BENEFUL**Assignment: 1****Reel/Frame:** 2624/0696**Received:** 10/31/2002**Recorded:** 10/23/2002**Pages:** 8**Conveyance:** CHANGE OF NAME**Assignor:** RALSTON PURINA COMPANY**Exec Dt:** 12/12/2001**Entity Type:** CORPORATION**Citizenship:** NONE**Entity Type:** CORPORATION**Citizenship:** MISSOURI**Assignee:** NESTLE PURINA PETCARE COMPANY

CHECKERBOARD SQUARE

STACY BRANKOVIC, INTELLECTUAL PROPERTY  
DEPT. 9T

ST. LOUIS, MISSOURI 63164

**Correspondent:** NESTLE PURINA PETCARE COMPANY

STACY BRANKOVIC

CHECKERBOARD SQUARE, DEPT. - 9T

ST. LOUIS, MO 63164

**Assignment: 2****Reel/Frame:** 2623/0914**Received:** 12/05/2002**Recorded:** 12/02/2002**Pages:** 8**Conveyance:** ASSIGNS THE ENTIRE INTEREST**Assignor:** NESTLE PURINA PETCARE COMPANY**Exec Dt:** 06/28/2002**Entity Type:** CORPORATION**Citizenship:** MISSOURI**Entity Type:** CORPORATION**Citizenship:** DELAWARE**Assignee:** NPPC SERVICES, INC.

CHECKERBOARD SQUARE

INTELLECTUAL PROPERTY DEPT. 9T

ST. LOUIS, MISSOURI 63134

**Correspondent:** NESTLE PURINA PETCARE COMPANY

STACY BRANKOVIC

CHECKERBOARD SQUARE

INTELLECTUAL PROPERTY DEPT. -9T

ST. LOUIS, MO 63164

**Assignment: 3****Reel/Frame:** 2795/0305**Received:** 08/14/2003**Recorded:** 08/13/2003**Pages:** 8**Conveyance:** ASSIGNS THE ENTIRE INTEREST**Assignor:** NPPC SERVICES, INC.**Exec Dt:** 07/01/2002**Entity Type:** CORPORATION

**Assignee:** SOCIETE DES PRODUITS NESTLE S.A.  
CASE POSTALE 353  
TRADEMARK DEPARTMENT  
VEVEY, SWITZERLAND 1800

**Citizenship:** DELAWARE

**Entity Type:** CORPORATION

**Citizenship:** SWITZERLAND

**Correspondent:** NESTLE PURINA PETCARE COMPANY  
BONNIE S. SPARKS  
CHECKERBOARD SQUARE  
INTELLECTUAL PROPERTY DEPT.-9T  
ST. LOUIS, MO 63164

Search Results as of: 01/12/2006 10:02 AM

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**This page was generated by the TARR system on 2006-01-12 10:01:52 ET**

**Serial Number:** 78051570 Assignment Information

**Registration Number:** 2730615 Assignment Information

**Mark (words only):** HEALTHFUL. FLAVORFUL. BENEFUL.

**Standard Character claim:** No

**Current Status:** Registered.

**Date of Status:** 2003-06-24

**Filing Date:** 2001-03-06

**Transformed into a National Application:** No

**Registration Date:** 2003-06-24

**Register:** Principal

**Law Office Assigned:** LAW OFFICE 116

**If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov**

**Current Location:** 900 -File Repository (Franconia)

**Date In Location:** 2003-06-30

---

**LAST APPLICANT(S)/OWNER(S) OF RECORD**

---

1. SOCIETE DES PRODUITS NESTLE S.A.

**Address:**

SOCIETE DES PRODUITS NESTLE S.A.  
CASE POSTALE 353 INTELLECTUAL PROPERTY GROUP  
VEVEY 1800  
Switzerland

**Legal Entity Type:** SOCIETE ANONYME

**State or Country Where Organized:** Switzerland

---

**GOODS AND/OR SERVICES**

---

**International Class:** 031

PET FOOD

**First Use Date:** 2001-07-15

**First Use in Commerce Date:** 2001-07-15

**Basis:** 1(a)

---

**ADDITIONAL INFORMATION**

---

**Disclaimer:** "HEATHFUL" or "FLAVORFUL"

---

**MADRID PROTOCOL INFORMATION**

---

(NOT AVAILABLE)

---

**PROSECUTION HISTORY**

---

2003-06-24 - Registered - Principal Register  
2003-04-30 - Allowed for Registration - Principal Register (SOU accepted)  
2003-04-29 - Case file assigned to examining attorney  
2002-09-18 - Letter of suspension mailed  
2002-09-09 - Case file assigned to examining attorney  
2002-09-05 - Statement of use processing complete  
2002-09-05 - Extension 1 granted  
2002-08-23 - Extension 1 filed  
2002-08-23 - Amendment to Use filed  
2002-08-23 - TEAS Statement of Use Received  
2002-08-23 - TEAS Extension Received  
2002-02-26 - Notice of allowance - mailed  
2001-12-04 - Published for opposition  
2001-11-14 - Notice of publication  
2001-07-11 - Approved for Pub - Principal Register (Initial exam)  
2001-07-02 - Case file assigned to examining attorney  
2001-06-29 - Case file assigned to examining attorney

---

**CORRESPONDENCE INFORMATION**

---

**Correspondent**

Ralston Purina Company  
Checkerboard Square  
St. Louis MO 63164

**Phone Number:** 314-982-2163

**Fax Number:** 314-982-1064

---



United States Patent and Trademark Office

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## Assignments on the Web > Trademark Query

### Trademark Assignment Abstract of Title

#### Total Assignments: 2

**Serial #:** 78051570    **Filing Dt:** 03/06/2001    **Reg #:** 2730615    **Reg. Dt:** 06/24/2003

**Registrant:** Nestle Purina Petcare Company

**Mark:** HEALTHFUL. FLAVORFUL. BENEFUL.

#### Assignment: 1

**Reel/Frame:** 2571/0009    **Received:** 08/28/2002    **Recorded:** 08/19/2002    **Pages:** 14

**Conveyance:** CHANGE OF NAME

**Assignor:** RALSTON PURINA COMPANY

**Exec Dt:** 12/12/2001

**Entity Type:** CORPORATION

**Citizenship:** NONE

**Assignee:** NESTLE PURINA PETCARE COMPANY

**Entity Type:** CORPORATION

**Citizenship:** MISSOURI

CHECKERBOARD SQUARE

STACY BRANKOVIC INTELLECTUAL PROPERTY DEPT.  
9T

ST. LOUIS, MISSOURI 63164

**Correspondent:** NESTLE PURINA PETCARE COMPANY

STACY BRANKOVIC

INTELLECTUAL PROPERTY DEPT. - 9T

CHECKERBOARD SQUARE

ST. LOUIS, MO 63164

#### Assignment: 2

**Reel/Frame:** 3194/0157    **Received:** 11/14/2005    **Recorded:** 11/14/2005    **Pages:** 5

**Conveyance:** ASSIGNS THE ENTIRE INTEREST

**Assignor:** NESTLE PURINA PETCARE COMPANY

**Exec Dt:** 10/29/2003

**Formerly:** FORMERLY RALSTON PURINA COMPANY

**Entity Type:** CORPORATION

**Citizenship:** MISSOURI

**Assignee:** SOCIETE DES PRODUITS NESTLE S.A.

**Entity Type:** SOCIETE ANONYME

**Citizenship:** SWITZERLAND

CASE POSTALE 353

INTELLECTUAL PROPERTY GROUP

VEVEY, SWITZERLAND 1800

**Correspondent:** BONNIE S. SPARKS, NESTLE PURINA PETCARE

CHECKERBOARD SQUARE

INTELLECTUAL PROPERTY GROUP - 11T

ST. LOUIS, MO 63164

**Domestic rep:** BONNIE S. SPARKS, NESTLE PURINA PETCARE

CHECKERBOARD SQUARE

INTELLECTUAL PROPERTY GROUP - 11T

ST. LOUIS, MO 63164

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

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited in the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Trademarks, P.O. Box 1451, Alexandria, Virginia 22313-1451 on 1-18-2006.

  
\_\_\_\_\_  
Thomas A. Polcyn  
Reg. No. 41,256

Attorney Docket: 43497-58653

Societe des Produits Nestle, S. A.	:	
	:	
Opposer,	:	
	:	Opposition No. _____
v.	:	
	:	Application No. 78/601,305
Grasshopper Packing Company, LLC	:	
	:	
Applicant.	:	

Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, Virginia 22313-1451

NOTICE OF OPPOSITION

"Opposer", Societe des Produits Nestle, S. A., a Societe Anonyme organized and existing under the laws of Switzerland, with an address of Case Postale 353, Vevey, 1800, Switzerland, believes that it will be damaged by registration of the mark BENEDERM in International Class 31 for "pet food", as shown in application Serial No. 78/601,305, filed by "Applicant", Grasshopper Packing Company, LLC, and hereby opposes same.

As grounds for its opposition, Opposer hereby alleges as follows:

in the Official Gazette on October 11, 2005. Opposer has requested and has been granted extensions of time in which to file a notice of opposition to and including the date hereof.

2. Opposer has continuously used its BENEFUL trademark in interstate commerce since at least as early as May 24, 2001, and has continuously used its HEALTHFUL. FLAVORFUL. BENEFUL. trademark in interstate commerce since at least as early as July 15, 2001, both in connection with its pet food (hereinafter, the BENEFUL and HEALTHFUL. FLAVORFUL. BENEFUL. marks are collectively referred to as "Opposer's Marks").

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Mark	Reg. No.	Class	Goods	Reg. Date (App. Date)
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HEALTHFUL. FLAVORFUL. BENEFUL.	2,730,615	31	Pet food	06-24-2003 (03-06-2001)

Said registrations are valid and in good standing. True and accurate copies of data for these registrations from the Trademark Office's TARR database are attached to this Notice of Opposition as Exhibit 1.

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6. Prior to the filing of Applicant's trademark application to register BENEDERM, Opposer's Marks were distinctive and became "famous" within the meaning of 15 U.S.C. § 1125(c).

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11. Opposer will be injured and damaged by the registration of Applicant's mark, because such mark, when applied to the goods of Applicant:

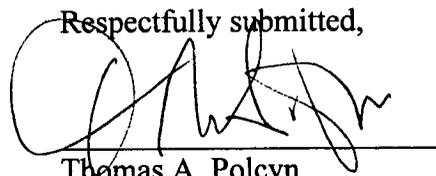
- a. is likely to cause confusion, or to cause mistake, or to deceive;
- b. falsely suggests a connection with Opposer;
- c. is likely to cause dilution of the distinctive quality of Opposer's Marks; and
- d. will damage Opposer's valuable goodwill in Opposer's Marks.

12. By reason of the foregoing, Applicant is not entitled to the registration of the trademark sought by its application.

WHEREFORE, Opposer respectfully prays that this opposition be sustained and the application for registration denied.

Authorization is hereby given to charge Deposit Account 20-0823 \$300.00 for the Notice of Opposition fee. This is believed to be the correct fee, but if it is not, please be hereby authorized to debit our Account 20-0823 or credit any excess thereto.

Respectfully submitted,

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

Thomas A. Polcyn  
David B. Jinkins  
THOMPSON COBURN LLP  
One US Bank Plaza  
St. Louis, Missouri 63101  
(314) 552-6000

Attorneys for Opposer  
Societe des Produits Nestle S.A.

1

**Thank you for your request. Here are the latest results from the TARR web server.**

**This page was generated by the TARR system on 2006-01-12 10:02:26 ET**

**Serial Number:** 76031544 Assignment Information

**Registration Number:** 2521244 Assignment Information

**Mark (words only):** BENEFUL

**Standard Character claim:** No

**Current Status:** Registered.

**Date of Status:** 2001-12-18

**Filing Date:** 2000-04-24

**Transformed into a National Application:** No

**Registration Date:** 2001-12-18

**Register:** Principal

**Law Office Assigned:** LAW OFFICE 101

**If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov**

**Current Location:** 900 -File Repository (Franconia)

**Date In Location:** 2002-01-03

---

**LAST APPLICANT(S)/OWNER(S) OF RECORD**

---

1. RALSTON PURINA COMPANY

**Address:**

RALSTON PURINA COMPANY  
Checkerboard Square  
St. Louis, MO 63164  
United States

**Legal Entity Type:** Corporation

**State or Country of Incorporation:** Missouri

---

**GOODS AND/OR SERVICES**

---

**International Class:** 031

pet food

**First Use Date:** 2001-05-24

**First Use in Commerce Date:** 2001-05-24

**Basis:** 1(a)

---

**ADDITIONAL INFORMATION**

---

(NOT AVAILABLE)

---

**MADRID PROTOCOL INFORMATION**

---

(NOT AVAILABLE)

---

**PROSECUTION HISTORY**

---

- 2005-03-16 - Attorney Revoked And/Or Appointed
- 2005-03-16 - TEAS Revoke/Appoint Attorney Received
- 2002-12-03 - TEAS Change of Correspondence Received
- 2001-12-18 - Registered - Principal Register
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- 2001-05-01 - Notice of allowance - mailed
- 2001-02-06 - Published for opposition
- 2001-01-05 - Notice of publication
- 2000-09-30 - Approved for Pub - Principal Register (Initial exam)
- 2000-09-27 - Case file assigned to examining attorney

---

**CORRESPONDENCE INFORMATION**

---

**Correspondent**

Nestle Purina PetCare Company  
Intellectual Property Dept. 11T  
Checkerboard Square  
St. Louis MO 63164

**Phone Number:** 314-982-4081

**Fax Number:** 314-982-1613

**Domestic Representative**

Nestle Purina PetCare Company

**Phone Number:** 314-982-4081

**Fax Number:** 314-982-1613

---



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## Assignments on the Web &gt; Trademark Query

## Trademark Assignment Abstract of Title

**Total Assignments: 3****Serial #:** 76031544    **Filing Dt:** 04/24/2000    **Reg #:** 2521244    **Reg. Dt:** 12/18/2001**Registrant:** RALSTON PURINA COMPANY**Mark:** BENEFUL**Assignment: 1****Reel/Frame:** 2624/0696    **Received:** 10/31/2002    **Recorded:** 10/23/2002    **Pages:** 8**Conveyance:** CHANGE OF NAME**Assignor:** RALSTON PURINA COMPANY**Exec Dt:** 12/12/2001**Entity Type:** CORPORATION**Citizenship:** NONE**Entity Type:** CORPORATION**Citizenship:** MISSOURI**Assignee:** NESTLE PURINA PETCARE COMPANY

CHECKERBOARD SQUARE

STACY BRANKOVIC, INTELLECTUAL PROPERTY  
DEPT. 9T

ST. LOUIS, MISSOURI 63164

**Correspondent:** NESTLE PURINA PETCARE COMPANY

STACY BRANKOVIC

CHECKERBOARD SQUARE, DEPT. - 9T

ST. LOUIS, MO 63164

**Assignment: 2****Reel/Frame:** 2623/0914    **Received:** 12/05/2002    **Recorded:** 12/02/2002    **Pages:** 8**Conveyance:** ASSIGNS THE ENTIRE INTEREST**Assignor:** NESTLE PURINA PETCARE COMPANY**Exec Dt:** 06/28/2002**Entity Type:** CORPORATION**Citizenship:** MISSOURI**Entity Type:** CORPORATION**Citizenship:** DELAWARE**Assignee:** NPPC SERVICES, INC.

CHECKERBOARD SQUARE

INTELLECTUAL PROPERTY DEPT. 9T

ST. LOUIS, MISSOURI 63134

**Correspondent:** NESTLE PURINA PETCARE COMPANY

STACY BRANKOVIC

CHECKERBOARD SQUARE

INTELLECTUAL PROPERTY DEPT.-9T

ST. LOUIS, MO 63164

**Assignment: 3****Reel/Frame:** 2795/0305    **Received:** 08/14/2003    **Recorded:** 08/13/2003    **Pages:** 8**Conveyance:** ASSIGNS THE ENTIRE INTEREST**Assignor:** NPPC SERVICES, INC.**Exec Dt:** 07/01/2002**Entity Type:** CORPORATION

**Assignee:** SOCIETE DES PRODUITS NESTLE S.A.  
CASE POSTALE 353  
TRADEMARK DEPARTMENT  
VEVEY, SWITZERLAND 1800

**Citizenship:** DELAWARE  
**Entity Type:** CORPORATION  
**Citizenship:** SWITZERLAND

**Correspondent:** NESTLE PURINA PETCARE COMPANY  
BONNIE S. SPARKS  
CHECKERBOARD SQUARE  
INTELLECTUAL PROPERTY DEPT.-9T  
ST. LOUIS, MO 63164

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**Serial Number:** 78051570 Assignment Information

**Registration Number:** 2730615 Assignment Information

**Mark (words only):** HEALTHFUL. FLAVORFUL. BENEFUL.

**Standard Character claim:** No

**Current Status:** Registered.

**Date of Status:** 2003-06-24

**Filing Date:** 2001-03-06

**Transformed into a National Application:** No

**Registration Date:** 2003-06-24

**Register:** Principal

**Law Office Assigned:** LAW OFFICE 116

**If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov**

**Current Location:** 900 -File Repository (Franconia)

**Date In Location:** 2003-06-30

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**LAST APPLICANT(S)/OWNER(S) OF RECORD**

---

1. SOCIETE DES PRODUITS NESTLE S.A.

**Address:**

SOCIETE DES PRODUITS NESTLE S.A.  
CASE POSTALE 353 INTELLECTUAL PROPERTY GROUP  
VEVEY 1800  
Switzerland

**Legal Entity Type:** SOCIETE ANONYME  
**State or Country Where Organized:** Switzerland

---

**GOODS AND/OR SERVICES**

---

**International Class:** 031

PET FOOD

**First Use Date:** 2001-07-15

**First Use in Commerce Date:** 2001-07-15

**Basis:** 1(a)

---

**ADDITIONAL INFORMATION**

---

**Disclaimer:** "HEATHFUL" or "FLAVORFUL"

---

**MADRID PROTOCOL INFORMATION**

---

(NOT AVAILABLE)

---

**PROSECUTION HISTORY**

---

- 2003-06-24 - Registered - Principal Register
- 2003-04-30 - Allowed for Registration - Principal Register (SOU accepted)
- 2003-04-29 - Case file assigned to examining attorney
- 2002-09-18 - Letter of suspension mailed
- 2002-09-09 - Case file assigned to examining attorney
- 2002-09-05 - Statement of use processing complete
- 2002-09-05 - Extension 1 granted
- 2002-08-23 - Extension 1 filed
- 2002-08-23 - Amendment to Use filed
- 2002-08-23 - TEAS Statement of Use Received
- 2002-08-23 - TEAS Extension Received
- 2002-02-26 - Notice of allowance - mailed
- 2001-12-04 - Published for opposition
- 2001-11-14 - Notice of publication
- 2001-07-11 - Approved for Pub - Principal Register (Initial exam)
- 2001-07-02 - Case file assigned to examining attorney
- 2001-06-29 - Case file assigned to examining attorney

---

**CORRESPONDENCE INFORMATION**

---

**Correspondent**

Ralston Purina Company  
Checkerboard Square  
St. Louis MO 63164

**Phone Number:** 314-982-2163

**Fax Number:** 314-982-1064

---



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CHECKERBOARD SQUARE

STACY BRANKOVIC INTELLECTUAL PROPERTY DEPT.  
9T

ST. LOUIS, MISSOURI 63164

**Entity Type:** CORPORATION**Citizenship:** MISSOURI**Correspondent:** NESTLE PURINA PETCARE COMPANY

STACY BRANKOVIC

INTELLECTUAL PROPERTY DEPT. - 9T

CHECKERBOARD SQUARE

ST. LOUIS, MO 63164

**Assignment: 2****Reel/Frame:** [3194/0157](#)**Received:** 11/14/2005**Recorded:** 11/14/2005**Pages:** 5**Conveyance:** ASSIGNS THE ENTIRE INTEREST**Assignor:** [NESTLE PURINA PETCARE COMPANY](#)**Formerly:** FORMERLY RALSTON PURINA COMPANY**Exec Dt:** 10/29/2003**Entity Type:** CORPORATION**Citizenship:** MISSOURI**Assignee:** [SOCIETE DES PRODUITS NESTLE S.A.](#)

CASE POSTALE 353

INTELLECTUAL PROPERTY GROUP

VEVEY, SWITZERLAND 1800

**Entity Type:** SOCIETE ANONYME**Citizenship:** SWITZERLAND**Correspondent:** BONNIE S. SPARKS, NESTLE PURINA PETCARE

CHECKERBOARD SQUARE

INTELLECTUAL PROPERTY GROUP - 11T

ST. LOUIS, MO 63164

**Domestic rep:** BONNIE S. SPARKS, NESTLE PURINA PETCARE

CHECKERBOARD SQUARE

INTELLECTUAL PROPERTY GROUP - 11T

ST. LOUIS, MO 63164

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in the Official Gazette on October 11, 2005. Opposer has requested and has been granted extensions of time in which to file a notice of opposition to and including the date hereof.

2. Opposer has continuously used its BENEFUL trademark in interstate commerce since at least as early as May 24, 2001, and has continuously used its HEALTHFUL. FLAVORFUL. BENEFUL. trademark in interstate commerce since at least as early as July 15, 2001, both in connection with its pet food (hereinafter, the BENEFUL and HEALTHFUL. FLAVORFUL. BENEFUL. marks are collectively referred to as "Opposer's Marks").

3. Opposer is owner of the following United States trademark registrations:

Mark	Reg. No.	Class	Goods	Reg. Date (App. Date)
BENEFUL	2,521,244	31	Pet food	12-18-2001 (04-24-2000)
HEALTHFUL. FLAVORFUL. BENEFUL.	2,730,615	31	Pet food	06-24-2003 (03-06-2001)

Said registrations are valid and in good standing. True and accurate copies of data for these registrations from the Trademark Office's TARR database are attached to this Notice of Opposition as Exhibit 1.

4. Opposer has promoted and sold its pet food in interstate and intrastate commerce under Opposer's Marks prior to any use by Applicant of the mark for which it seeks registration.

5. As a result of the use, promotion, and advertising of Opposer's Marks, said marks have become well known to the trade and to the public, and have accordingly acquired significant goodwill. Opposer's Marks identify and distinguish Opposer's goods from the goods of others, and identify the source and origin thereof to both the trade and the public.

6. Prior to the filing of Applicant's trademark application to register BENEDERM, Opposer's Marks were distinctive and became "famous" within the meaning of 15 U.S.C. § 1125(c).

7. Upon information and belief, Applicant has made no use of the mark for which it seeks registration, nor of any word, letter or design confusingly similar thereto as a trademark or service mark, prior to the dates of first use claimed by Opposer in its registrations shown in Exhibit 1.

8. Applicant's registration and use of its BENEDERM mark is likely to cause confusion in the minds of the trade and of the public that Applicant's goods emanate from or are licensed, sponsored or otherwise authorized by Opposer, whereas in fact they are not.

9. Registration and use of the mark for which Applicant seeks registration will cause dilution to the distinctive quality of Opposer's Marks.

10. Applicant's mark for which it seeks registration so resembles Opposer's Marks previously used in the United States by Opposer and not abandoned, as to be likely, when applied to Applicant's pet food, to cause confusion or to cause mistake or to deceive, and is an attempt to deceive the public and to benefit from the reputation and goodwill developed by Opposer.

11. Opposer will be injured and damaged by the registration of Applicant's mark, because such mark, when applied to the goods of Applicant:

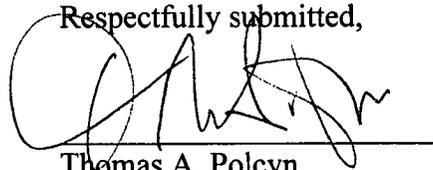
- a. is likely to cause confusion, or to cause mistake, or to deceive;
- b. falsely suggests a connection with Opposer;
- c. is likely to cause dilution of the distinctive quality of Opposer's Marks; and
- d. will damage Opposer's valuable goodwill in Opposer's Marks.

12. By reason of the foregoing, Applicant is not entitled to the registration of the trademark sought by its application.

WHEREFORE, Opposer respectfully prays that this opposition be sustained and the application for registration denied.

Authorization is hereby given to charge Deposit Account 20-0823 \$300.00 for the Notice of Opposition fee. This is believed to be the correct fee, but if it is not, please be hereby authorized to debit our Account 20-0823 or credit any excess thereto.

Respectfully submitted,

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

Thomas A. Polcyn  
David B. Jinkins  
THOMPSON COBURN LLP  
One US Bank Plaza  
St. Louis, Missouri 63101  
(314) 552-6000

Attorneys for Opposer  
Societe des Produits Nestle S.A.

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**Serial Number:** 76031544 Assignment Information

**Registration Number:** 2521244 Assignment Information

**Mark (words only):** BENEFUL

**Standard Character claim:** No

**Current Status:** Registered.

**Date of Status:** 2001-12-18

**Filing Date:** 2000-04-24

**Transformed into a National Application:** No

**Registration Date:** 2001-12-18

**Register:** Principal

**Law Office Assigned:** LAW OFFICE 101

**If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov**

**Current Location:** 900 -File Repository (Franconia)

**Date In Location:** 2002-01-03

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**LAST APPLICANT(S)/OWNER(S) OF RECORD**

---

1. RALSTON PURINA COMPANY

**Address:**

RALSTON PURINA COMPANY  
Checkerboard Square  
St. Louis, MO 63164  
United States

**Legal Entity Type:** Corporation

**State or Country of Incorporation:** Missouri

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**GOODS AND/OR SERVICES**

---

**International Class:** 031

pet food

**First Use Date:** 2001-05-24

**First Use in Commerce Date:** 2001-05-24

**Basis:** 1(a)

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**ADDITIONAL INFORMATION**

---

(NOT AVAILABLE)

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**MADRID PROTOCOL INFORMATION**

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(NOT AVAILABLE)

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**PROSECUTION HISTORY**

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2005-03-16 - Attorney Revoked And/Or Appointed  
2005-03-16 - TEAS Revoke/Appoint Attorney Received  
2002-12-03 - TEAS Change of Correspondence Received  
2001-12-18 - Registered - Principal Register  
2001-07-30 - Allowed for Registration - Principal Register (SOU accepted)  
2001-07-26 - Case file assigned to examining attorney  
2001-07-22 - Statement of use processing complete  
2001-06-25 - Amendment to Use filed  
2001-05-01 - Notice of allowance - mailed  
2001-02-06 - Published for opposition  
2001-01-05 - Notice of publication  
2000-09-30 - Approved for Pub - Principal Register (Initial exam)  
2000-09-27 - Case file assigned to examining attorney

---

**CORRESPONDENCE INFORMATION**

---

**Correspondent**

Nestle Purina PetCare Company  
Intellectual Property Dept. 11T  
Checkerboard Square  
St. Louis MO 63164

**Phone Number:** 314-982-4081

**Fax Number:** 314-982-1613

**Domestic Representative**

Nestle Purina PetCare Company

**Phone Number:** 314-982-4081

**Fax Number:** 314-982-1613

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## Assignments on the Web &gt; Trademark Query

## Trademark Assignment Abstract of Title

**Total Assignments: 3****Serial #:** 76031544    **Filing Dt:** 04/24/2000    **Reg #:** 2521244    **Reg. Dt:** 12/18/2001**Registrant:** RALSTON PURINA COMPANY**Mark:** BENEFUL**Assignment: 1****Reel/Frame:** 2624/0696    **Received:** 10/31/2002    **Recorded:** 10/23/2002    **Pages:** 8**Conveyance:** CHANGE OF NAME**Assignor:** RALSTON PURINA COMPANY**Exec Dt:** 12/12/2001**Entity Type:** CORPORATION**Citizenship:** NONE**Entity Type:** CORPORATION**Citizenship:** MISSOURI**Assignee:** NESTLE PURINA PETCARE COMPANY

CHECKERBOARD SQUARE

STACY BRANKOVIC, INTELLECTUAL PROPERTY  
DEPT. 9T

ST. LOUIS, MISSOURI 63164

**Correspondent:** NESTLE PURINA PETCARE COMPANY

STACY BRANKOVIC

CHECKERBOARD SQUARE, DEPT. - 9T

ST. LOUIS, MO 63164

**Assignment: 2****Reel/Frame:** 2623/0914    **Received:** 12/05/2002    **Recorded:** 12/02/2002    **Pages:** 8**Conveyance:** ASSIGNS THE ENTIRE INTEREST**Assignor:** NESTLE PURINA PETCARE COMPANY**Exec Dt:** 06/28/2002**Entity Type:** CORPORATION**Citizenship:** MISSOURI**Entity Type:** CORPORATION**Citizenship:** DELAWARE**Assignee:** NPPC SERVICES, INC.

CHECKERBOARD SQUARE

INTELLECTUAL PROPERTY DEPT. 9T

ST. LOUIS, MISSOURI 63134

**Correspondent:** NESTLE PURINA PETCARE COMPANY

STACY BRANKOVIC

CHECKERBOARD SQUARE

INTELLECTUAL PROPERTY DEPT.-9T

ST. LOUIS, MO 63164

**Assignment: 3****Reel/Frame:** 2795/0305    **Received:** 08/14/2003    **Recorded:** 08/13/2003    **Pages:** 8**Conveyance:** ASSIGNS THE ENTIRE INTEREST**Assignor:** NPPC SERVICES, INC.**Exec Dt:** 07/01/2002**Entity Type:** CORPORATION

**Assignee:** SOCIETE DES PRODUITS NESTLE S.A.  
CASE POSTALE 353  
TRADEMARK DEPARTMENT  
VEVEY, SWITZERLAND 1800

**Citizenship:** DELAWARE  
**Entity Type:** CORPORATION  
**Citizenship:** SWITZERLAND

**Correspondent:** NESTLE PURINA PETCARE COMPANY  
BONNIE S. SPARKS  
CHECKERBOARD SQUARE  
INTELLECTUAL PROPERTY DEPT.-9T  
ST. LOUIS, MO 63164

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**Serial Number:** 78051570 Assignment Information

**Registration Number:** 2730615 Assignment Information

**Mark (words only):** HEALTHFUL. FLAVORFUL. BENEFUL.

**Standard Character claim:** No

**Current Status:** Registered.

**Date of Status:** 2003-06-24

**Filing Date:** 2001-03-06

**Transformed into a National Application:** No

**Registration Date:** 2003-06-24

**Register:** Principal

**Law Office Assigned:** LAW OFFICE 116

**If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov**

**Current Location:** 900 -File Repository (Franconia)

**Date In Location:** 2003-06-30

---

**LAST APPLICANT(S)/OWNER(S) OF RECORD**

---

1. SOCIETE DES PRODUITS NESTLE S.A.

**Address:**

SOCIETE DES PRODUITS NESTLE S.A.  
CASE POSTALE 353 INTELLECTUAL PROPERTY GROUP  
VEVEY 1800  
Switzerland

**Legal Entity Type:** SOCIETE ANONYME

**State or Country Where Organized:** Switzerland

---

**GOODS AND/OR SERVICES**

---

**International Class:** 031

PET FOOD

**First Use Date:** 2001-07-15

**First Use in Commerce Date:** 2001-07-15

**Basis:** 1(a)

---

**ADDITIONAL INFORMATION**

---

**Disclaimer:** "HEATHFUL" or "FLAVORFUL"

---

**MADRID PROTOCOL INFORMATION**

---

(NOT AVAILABLE)

---

**PROSECUTION HISTORY**

---

2003-06-24 - Registered - Principal Register

2003-04-30 - Allowed for Registration - Principal Register (SOU accepted)

2003-04-29 - Case file assigned to examining attorney

2002-09-18 - Letter of suspension mailed

2002-09-09 - Case file assigned to examining attorney

2002-09-05 - Statement of use processing complete

2002-09-05 - Extension 1 granted

2002-08-23 - Extension 1 filed

2002-08-23 - Amendment to Use filed

2002-08-23 - TEAS Statement of Use Received

2002-08-23 - TEAS Extension Received

2002-02-26 - Notice of allowance - mailed

2001-12-04 - Published for opposition

2001-11-14 - Notice of publication

2001-07-11 - Approved for Pub - Principal Register (Initial exam)

2001-07-02 - Case file assigned to examining attorney

2001-06-29 - Case file assigned to examining attorney

---

**CORRESPONDENCE INFORMATION**

---

**Correspondent**

Ralston Purina Company  
Checkerboard Square  
St. Louis MO 63164

**Phone Number:** 314-982-2163

**Fax Number:** 314-982-1064

---



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## Trademark Assignment Abstract of Title

**Total Assignments: 2****Serial #:** [78051570](#)**Filing Dt:** 03/06/2001**Reg #:** [2730615](#)**Reg. Dt:** 06/24/2003**Registrant:** Nestle Purina Petcare Company**Mark:** HEALTHFUL. FLAVORFUL. BENEFUL.**Assignment: 1****Reel/Frame:** [2571/0009](#)**Received:** 08/28/2002**Recorded:** 08/19/2002**Pages:** 14**Conveyance:** CHANGE OF NAME**Assignor:** [RALSTON PURINA COMPANY](#)**Exec Dt:** 12/12/2001**Entity Type:** CORPORATION**Citizenship:** NONE**Assignee:** [NESTLE PURINA PETCARE COMPANY](#)

CHECKERBOARD SQUARE

STACY BRANKOVIC INTELLECTUAL PROPERTY DEPT.  
9T

ST. LOUIS, MISSOURI 63164

**Entity Type:** CORPORATION**Citizenship:** MISSOURI**Correspondent:** NESTLE PURINA PETCARE COMPANY

STACY BRANKOVIC

INTELLECTUAL PROPERTY DEPT. - 9T

CHECKERBOARD SQUARE

ST. LOUIS, MO 63164

**Assignment: 2****Reel/Frame:** [3194/0157](#)**Received:** 11/14/2005**Recorded:** 11/14/2005**Pages:** 5**Conveyance:** ASSIGNS THE ENTIRE INTEREST**Assignor:** [NESTLE PURINA PETCARE COMPANY](#)**Formerly:** FORMERLY RALSTON PURINA COMPANY**Exec Dt:** 10/29/2003**Entity Type:** CORPORATION**Citizenship:** MISSOURI**Assignee:** [SOCIETE DES PRODUITS NESTLE S.A.](#)

CASE POSTALE 353

INTELLECTUAL PROPERTY GROUP

VEVEY, SWITZERLAND 1800

**Entity Type:** SOCIETE ANONYME**Citizenship:** SWITZERLAND**Correspondent:** BONNIE S. SPARKS, NESTLE PURINA PETCARE

CHECKERBOARD SQUARE

INTELLECTUAL PROPERTY GROUP - 11T

ST. LOUIS, MO 63164

**Domestic rep:** BONNIE S. SPARKS, NESTLE PURINA PETCARE

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INTELLECTUAL PROPERTY GROUP - 11T

ST. LOUIS, MO 63164

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