

ESTTA Tracking number: **ESTTA187349**

Filing date: **01/17/2008**

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	Fetch, Inc.
Granted to Date of previous extension	02/20/2008
Address	1 International Plaza, Suite 140 Philadelphia, PA 19113 UNITED STATES

Attorney information	Leslie H Smith Liacouras & Smith, LLP 1515 Market Street, Suite 808 Philadelphia, PA 19102 UNITED STATES lsmith@liacouraslaw.com Phone:(215) 241-5303
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Applicant Information

Application No	77175430	Publication date	10/23/2007
Opposition Filing Date	01/17/2008	Opposition Period Ends	02/20/2008
Applicant	Societe des Produits Nestle S.A. Intellectual Property Department Case Postale 353 Vevey, 1800 SWITZERLAND		

Goods/Services Affected by Opposition

Class 036. All goods and services in the class are opposed, namely: Insurance underwriting in the field of health insurance for animals and pets

Grounds for Opposition

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

U.S. Application/Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	FOR A LIFETIME OF CARE		
Goods/Services	Underwriting and healthcare insurance for pets		

Attachments	Notice of Opposition (LIFETIME OF CARE).pdf (4 pages)(15852 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Leslie H Smith/
Name	Leslie H Smith
Date	01/17/2008

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

In the Matter of Application No. 77/175,430
Published in the Official Gazette on October 23, 2007

Fetch, Inc.,	:	
	:	
Opposer,	:	Opposition No.
	:	
v.	:	
	:	
Societe des Produits Nestle S.A.	:	
	:	
Applicant.	:	

NOTICE OF OPPOSITION

Opposer Fetch, Inc. (“Opposer”), a company organized and existing under the laws of the State of Delaware and having a principal place of business at International Plaza, Suite 140, Philadelphia, PA 19113, believes that it will be damaged by registration of the LIFETIME OF CARE mark, shown in the above-identified application Serial No. 77/175,430 (the “Application”), filed by Applicant Societe des Produits Nestle S.A. (“Applicant”), and hereby opposes registration of said Application in International Class 36.

As grounds of its opposition, Opposer alleges the following:

1. Opposer is a provider of underwriting and healthcare insurance for pets.
2. Opposer’s services are rendered in commerce under, among other marks, the service mark FOR A LIFETIME OF CARE.

3. Opposer's use of its FOR A LIFETIME OF CARE service mark in commerce commenced at least as early as July 24, 2004, and has been valid and continuous since the commencement of such use.

4. Opposer has acquired valuable goodwill in its FOR A LIFETIME OF CARE service mark through its continuous use of the mark in commerce.

5. On May 8, 2007, Applicant filed an application for registration of LIFETIME OF CARE, Serial No. 77/175,430, based on its intent to use the mark in commerce in connection with services described as "insurance underwriting in the field of health insurance for animals and pets," in International Class 36.

6. Opposer's date of first use in commerce predates the date on which Applicant's intent-to-use-based Application was filed with the U.S. Patent and Trademark Office. Accordingly, as between Opposer and Applicant, Opposer has priority of use.

7. A likelihood of confusion, mistake, and/or deception exists between Applicant's LIFETIME OF CARE service mark and Opposer's FOR A LIFETIME OF CARE service mark, in view of the fact that the marks are nearly identical in sight, sound, appearance and overall commercial impression, as well as the fact that the respective services directly overlap.

8. Applicant's LIFETIME OF CARE service mark so resembles Opposer's FOR A LIFETIME OF CARE service mark that persons familiar with Opposer's pet insurance services are likely to believe erroneously that Applicant's services are provided or sponsored by, and/or affiliated, associated, or otherwise connected in some way with, Opposer.

9. Registration of Applicant's mark is likely to impair the uniqueness and diminish the strength of Opposer's FOR A LIFETIME OF CARE service mark.

WHEREFORE, Opposer requests that Trademark Application Serial No. Nos. 77/175,430 be refused, that no registration be issued thereon to Applicant, and that this Opposition be sustained in favor of Opposer.

The required filing fee of \$300.00 will be submitted with the electronic filing of this Notice of Opposition.

Respectfully Submitted,

Dated: January 17, 2008

/Leslie H. Smith/
Leslie H. Smith
Gregory L. Liacouras

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Philadelphia, PA 19102
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(215) 241-5306 (fax)

Attorneys for Opposer Fetch, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on January 17, 2008, a true and complete copy of the foregoing Notice of Opposition was served on Applicant Societe des Produits Nestle S.A., by mailing said copy, via First Class Mail, postage prepaid, to Applicant's counsel at the following addresses:

Thomas A. Polcyn, Esquire
Thompson Coburn LLP
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St. Louis, MO 63164

/Leslie H. Smith/
Leslie H. Smith