

ESTTA Tracking number: **ESTTA409174**

Filing date: **05/13/2011**

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

Proceeding	91184978
Party	Plaintiff McNeil-PPC, Inc.
Correspondence Address	LAURA POPP-ROSENBERG FROSS ZELNICK LEHRMAN & ZISSU, P.C. 866 UNITED NATIONS PLAZA NEW YORK, NY 10017 UNITED STATES lrosenberg@fzlz.com
Submission	Other Motions/Papers
Filer's Name	Laura Popp-Rosenberg
Filer's e-mail	lpopp-rosenberg@fzlz.com,ykarzoan@fzlz.com,mortiz@fzlz.com
Signature	/Laura Popp-Rosenberg/
Date	05/13/2011
Attachments	Opposer's Notice of Reliance Internet Materials (F0796727).PDF ( 7 pages ) (206266 bytes )

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

McNEIL-PPC, INC.,

Opposer,

-against-

WALGREEN CO.,

Applicant.

**Opp. No. 91184978**

**OPPOSER'S REBUTTAL NOTICE OF RELIANCE ON INTERNET MATERIALS**

Pursuant to Rule 2.122(e) of the Trademark Rules of Practice, and Trademark Board Manual of Procedure (2011 ed.) § 704.08(b), Opposer McNEIL-PPC, Inc. ("Opposer") hereby makes of record and notifies Applicant Walgreen Co. ("Applicant") of its reliance on the following Internet materials:

Printouts from the website <http://www.walgreens.com> showing Applicant's WAL-SOM product, true and correct copies of which are attached hereto as **Opposer's Exhibit 124**. This evidence is submitted in rebuttal to the testimony of Applicant's witness Robert Tompkins that Applicant's WAL-SOM product is Applicant's private label version of the national brand SOMINEX. As clearly stated on the product packaging for WAL-SOM, Applicant advertises the product as equivalent to the national brand UNISOM.

Dated: New York, New York  
May 13, 2011

FROSS ZELNICK LEHRMAN & ZISSU, P.C.

By:  \_\_\_\_\_  
Laura Popp-Rosenberg

Giselle C. Woo

866 United Nations Plaza

New York, New York 10017

Tel: (212) 813-5900

Email: lpopp-rosenberg@frosszelnick.com

gwoo@frosszelnick.com

*Attorneys for Opposer McNEIL-PPC, Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that I caused a true and correct copy of the foregoing **Opposer's Rebuttal Notice of Reliance on Internet Materials** to be served via First Class U.S. Mail, postage prepaid, in an envelope addressed to counsel for Applicant, Caroline L. Stevens, Esq., Leydig, Voit & Mayer, 1420 Fifth Avenue, Suite 3670, Seattle, WA 98101, this 13<sup>th</sup> day of May, 2011.

  
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Laura Popp-Rosenberg

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

McNEIL-PPC, INC.,

Opposer,

-against-

WALGREEN CO.,

Applicant.

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**EXHIBIT 124  
TO  
OPPOSER'S REBUTTAL NOTICE OF RELIANCE  
ON INTERNET MATERIALS**





