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

Proceeding	91184978
Party	Plaintiff McNeil-PPC, Inc.
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Date	01/24/2011
Attachments	F0740421.PDF (4 pages)(1292704 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 NOTICE OF RELIANCE ON PRINTED PUBLICATIONS

Pursuant to Rule 2.122(e) of the Trademark Rules of Practice, Opposer McNEIL-PPC, Inc. ("Opposer") hereby makes of record and notifies Applicant Walgreen Co.

("Applicant") of its reliance on the following printed publications and/or Internet printouts:

(a) Article relevant to show the fame of the ZYRTEC mark entitled "J&J's Zyrtec: A Marketing 50 Case Study," published by Advertising Age on November 17, 2008, submitted as Ex. 63 to the Testimonial Deposition of Rohinish Hooda, taken January 13, 2011, and produced by Opposer as MCNEIL_5133-36;

(b) Article relevant to show the fame of the ZYRTEC mark entitled "G2, Zyrtec Top New Product Sales in '08," published by BrandWeek on March 23, 2009, submitted as Ex. 64 to the Testimonial Deposition of Rohinish Hooda, taken January 13, 2011, and produced by Opposer as MCNEIL_5137-38;

(c) Article relevant to show the fame of the ZYRTEC mark entitled "2010 Brand Keys Customer Loyalty Engagement Index," published by Brandkeys at <http://www.brandkeys.com/awards/>, submitted as Ex. 65 to the Testimonial Deposition of Rohinish Hooda, taken January 13, 2011, and produced by Opposer as MCNEIL_5139-43;

(d) Article relevant to show the fame of the ZYRTEC mark entitled “Brand Keys: ‘Value’ is New ‘Price’ in Customer Loyalty,” published by MediaPost on March 2, 2009, submitted as Ex. 66 to the Testimonial Deposition of Rohinish Hooda, taken January 13, 2011, and produced by Opposer as MCNEIL_5144-45;

(e) Collection of press clippings referencing ZYRTEC from November 2007 to October 2008 relevant to show the fame of the ZYRTEC mark, submitted as Ex. 67 to the Testimonial Deposition of Rohinish Hooda, taken January 13, 2011, and produced by Opposer as MCNEIL_000239-396;

(f) Collection of press clippings referencing ZYRTEC from November 2007 to October 2008 relevant to show the fame of the ZYRTEC mark, submitted as Ex. 68 to the Testimonial Deposition of Rohinish Hooda, taken January 13, 2011, and produced by Opposer as MCNEIL_000397-546; and

(g) Collection of press clippings referencing ZYRTEC from January to March 2008 relevant to show the fame of the ZYRTEC mark, submitted as Ex. 69 to the Testimonial Deposition of Rohinish Hooda, taken January 13, 2011, and produced by Opposer as MCNEIL_000547-697;

(h) Search results for the term “ZYRTEC” from July 1999 to June 2009 from the United States News (database identifier = USNEWS) database of the online legal search service Westlaw relevant to show the fame of the ZYRTEC mark, submitted as Ex. 102 to Trial Declaration of Giselle C. Woo, filed January 18, 2011, and produced by Opposer as MCNEIL_002218-4887;

(i) Search results for the terms “ZYRTEC and da(aft 1/1/2000 & bef 12/31/2004)” from the United States News (database identifier = USNEWS) database of the online legal search

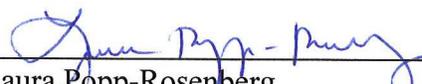
service Westlaw relevant to show the fame of the ZYRTEC mark, submitted as Ex. 103 to Trial Declaration of Giselle C. Woo, filed January 18, 2011, and produced by Opposer as MCNEIL_005177-5715;

(j) Search results for the terms “ZYRTEC and da(aft 1/1/2005 & bef 12/31/2009)” from the United States News (database identifier = USNEWS) database of the online legal search service Westlaw relevant to show the fame of the ZYRTEC mark, submitted as Ex. 104 to Trial Declaration of Giselle C. Woo, filed January 18, 2011, and produced by Opposer as MCNEIL_005716-6159; and

(k) Search results for the terms “ZYRTEC and da(aft 1/1/2010) %recall” from the United States News (database identifier = USNEWS) database of the online legal search service Westlaw relevant to show the fame of the ZYRTEC mark, submitted as Ex. 105 to Trial Declaration of Giselle C. Woo, filed January 18, 2011, and produced by Opposer as MCNEIL_006160-9498.

Dated: New York, New York
January 24, 2011

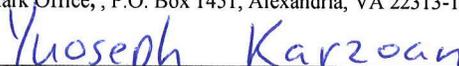
FROSS ZELNICK LEHRMAN & ZISSU, P.C.

By: 
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Certificate of Mailing

I hereby certify that on January 24, 2011, this correspondence is being deposited with the United States Postal Service via Express Mail No. 815844455 in an envelope addressed to the Trademark Trial and Appeal Board, U.S. Patent and Trademark Office, P.O. Box 1451, Alexandria, VA 22313-1451 on:

Attorneys for Opposer McNEIL-PPC, Inc.


(Printed name of person mailing paper or fee)


(Signature)

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and correct copy of the foregoing **Opposer's Notice of Reliance on Printed Publications** 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 24th day of January, 2011.



Giselle C. Woo