

ESTTA Tracking number: **ESTTA481555**

Filing date: **07/03/2012**

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	Premier Pet Products, LLC		
Entity	Limited Liability Company	Citizenship	Virginia
Address	14291 Sommerville Ct. Midlothian, VA 23113 UNITED STATES		

Attorney information	Thomas H. Van Hoozer HOVEY WILLIAMS LLP 10801 Mastin Blvd., Suite 1000 Overland Park, KS 66210 UNITED STATES tmdocketing.vanhoozer@hovewilliams.com, clb@hovewilliams.com, dsm@hovewilliams.com, litigation@hovewilliams.com Phone:913-647-9050		
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Applicant Information

Application No	85515135	Publication date	06/05/2012
Opposition Filing Date	07/03/2012	Opposition Period Ends	07/05/2012
Applicant	Ronald J. Louro P.O. Box 56 434 Child Street Warren, RI 02885 UNITED STATES		

Goods/Services Affected by Opposition

Class 018. All goods and services in the class are opposed, namely: Dog collars; Dog leashes; Pet restraining devices consisting of harnesses and/or restraining straps for use in pet care
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Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	1467347	Application Date	04/08/1987
Registration Date	12/01/1987	Foreign Priority Date	NONE
Word Mark	GENTLE LEADER		
Design Mark			

Description of Mark	NONE
Goods/Services	Class 018. First use: First Use: 1986/07/06 First Use In Commerce: 1986/07/06 COMBINED COLLAR AND MUZZLE FOR TRAINING ANIMALS

U.S. Registration No.	3777502	Application Date	09/02/2009
Registration Date	04/20/2010	Foreign Priority Date	NONE

Word Mark	EASY WALK
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Design Mark	
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Description of Mark	NONE
Goods/Services	Class 018. First use: First Use: 2004/12/09 First Use In Commerce: 2004/12/09 dog harnesses

Attachments	77818152#TMSN.jpeg (1 page)(bytes) Notice of Opposition.pdf (22 pages)(1734037 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	/Thomas H. Van Hoozer/
Name	Thomas H. Van Hoozer
Date	07/03/2012

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

Premier Pet Products, LLC)	
)	
Opposer,)	
)	
v.)	Opposition No. _____
)	
Ronald J. Louro,)	Ser. No. 85/515,135
)	
Applicant.)	

NOTICE OF OPPOSITION

In the matter of Application Serial No. 85/515,135 filed January 12, 2012, in the name of Ronald J. Louro (hereinafter “Applicant”), published for opposition in the Trademark *Official Gazette* of June 5, 2012 for the mark EASY LEADER (hereinafter the “Opposed Application”), Premier Pet Products, LLC (hereinafter “Opposer”) believes that it would be damaged by registration of the mark shown in said application and hereby opposes the same.

As grounds for opposition, it is alleged as follows:

1. Opposer, Premier Pet Products, LLC, is a limited liability company organized under the laws of the Commonwealth of Virginia, having a place of business at 14291 Sommerville Ct., Midlothian, Virginia 23113.
2. Applicant, Ronald J. Louro, is, on information and belief, a citizen of the United States and a resident of Rhode Island, residing at P.O. Box 56, 434 Child Street, Warren, Rhode Island 02885.
3. Applicant seeks to register the mark EASY LEADER (the “Opposed Mark”), and has filed an application for registration of that mark for use on or in connection with “dog collars; dog leashes; pet restraining devices consisting of harnesses and/or restraining straps for use in pet care” in International Class 18 (hereinafter the “Opposed Application.”)

4. The Opposed Application was published in the *Official Gazette* on June 5, 2012.
5. The Opposed Application was filed on January 12, 2012, on the basis of Section 1(b) (“intent-to-use”) of the Trademark Act. Applicant has not yet filed any allegation of use for the Opposed Mark.

COUNT I

6. Opposer, on its own and/or through its predecessors in interest and/or related entities and/or licensees, is and has been engaged in the sale, *inter alia*, of a variety of different pet products including collars and leashes for dogs, headcollars for dogs, harnesses for use by dogs, as well as dog coats, floatation devices worn by dogs, and other products worn by or for use with dogs, since long prior to January 5, 2012, and has built a successful business in that field.
7. Opposer, on its own and/or through its predecessors in interest and/or related entities, has used the mark GENTLE LEADER in interstate commerce in connection with a combined collar and muzzle for training animals, such use commencing at least as early as July 6, 1986, and being continuous thereafter until the present. Opposer has also used the mark GENTLE LEADER in connection with other animal restraining devices, for example in connection with its EASY WALK HARNESS in the form of GENTLE LEADER EASY WALK HARNESS. The use of GENTLE LEADER by Opposer and its predecessors in interest has been continuous since July 6, 1986 until the present. Materials showing Opposer’s current use of its GENTLE LEADER mark are attached hereto as Exhibit A, and incorporated by reference in this Notice of Opposition.
8. Opposer’s use of the GENTLE LEADER mark in connection with its products for restraining dogs has been continuous, commercially significant, and substantially exclusive.

9. Opposer is the owner of a valid and subsisting United States Trademark Registration directed to the GENTLE LEADER mark, namely, Reg. No. 1,467,347 registered on December 1, 1987 for “combined collar and muzzle for training animals”. A copy of the Certificate of Registration and a copy of the Official U.S. Patent and Trademark Office Trademark Electronic Search System database showing current status and title for this mark is attached hereto as Exhibit B, and is incorporated by reference in this Notice of Opposition.

10. Opposer has used the mark EASY WALK in interstate commerce in connection with dog harnesses, such use commencing at least as early as December 9, 2004, and being continuous thereafter until the present. Materials showing Opposer’s prior and current use of its EASY WALK mark in connection with dog harnesses and dog leashes are attached hereto as Exhibit C, and incorporated by reference in this Notice of Opposition.

11. Opposer is the owner of a valid and subsisting United States Trademark Registration directed to the EASY WALK mark, namely, Reg. No. 3,777,502 registered on April 20, 2010 for “dog harnesses.” A copy of the Certificate of Registration and a copy of the Official USPTO Trademark Electronic Search System database showing current status and title for this mark are attached hereto as Exhibit D, and are incorporated by reference in this Notice of Opposition.

12. Opposer’s inherently distinctive and famous GENTLE LEADER Mark has been in use in commerce which Congress may regulate in connection with its pet products business and specifically in connection with dog restraining devices for over 25 years, and had been used alone and/or in conjunction with its EASY WALK mark on pet products and in particular dog restraining devices prior to the acquisition of any rights Applicant may have in its EASY LEADER mark, whether based in the filing date or an actual use thereof.

13. Applicant's EASY LEADER mark is confusingly similar to Opposer's GENTLE LEADER and EASY WALK Marks, as the marks are highly similar, and the goods listed in the Opposed Application are the same or closely related to those goods previously registered and/or sold by Opposer and related entities under its GENTLE LEADER and EASY WALK Marks.

14. The goods of the Opposed Application are such that, upon information and belief, they will travel through the same and overlapping channels of trade as Opposer's goods and business, and will be provided to the same and overlapping classes of customers.

15. Applicant's mark EASY LEADER, when used in connection with the goods listed in the Opposed Application being opposed, so resembles Opposer's GENTLE LEADER and EASY WALK Marks as which is currently in use and for which Opposer enjoys priority and as applied to Opposer's products, that it is likely to cause confusion in the minds of the public, and to cause mistake and/or deception as to the source of origin of Applicant's goods that would lead the public and prospective purchasers to believe that Applicant's goods are those of Opposer's, and/or are provided by, sponsored by, approved by, licensed by, affiliated with Opposer, or are in some other way legitimately connected to Opposer and/or its services, goods, and/or licensed products. Thus, the Opposed Mark should not be registered, under Section 2(d) of the Trademark Act.

16. Any defect, objection to or fault found with Applicant's goods sold under the Opposed Mark would necessarily reflect on and injure the reputation that Opposer has established for its products and business.

17. If Applicant is granted a registration for the Opposed Mark for the goods identified in the Opposed Application, Applicant would obtain at least a *prima facie* exclusive right to use the mark. Such registration would be a source of damage and injury to the Opposer, and to the

reputation and goodwill it enjoys in its GENTLE LEADER and EASY WALK Marks and its use thereof.

COUNT II

18. Opposer incorporates by reference and re-alleges paragraphs 1 through 17, above, as if fully set forth herein.

25. Opposer's GENTLE LEADER Mark is famous and distinctive within the meaning of Section 43(a) of the Trademark Act (15 U.S.C. § 1125(a)), and became famous long prior to the acquisition of any rights Applicant may claim in its EASY LEADER mark.

26. Over the past 25 years, Opposer and its predecessors in interest have continuously and extensively promoted its products sold under the GENTLE LEADER Marks.

27. Use or registration of the mark EASY LEADER by Applicant for the goods set forth in the Opposed Application is likely to cause or is causing dilution of the distinctive quality of Opposer's famous GENTLE LEADER Mark under Section 43(c) of the Trademark Act (15 U.S.C. § 1125(c)), as such use or registration would lessen the capacity of Opposer's GENTLE LEADER Mark to identify and distinguish goods and services offered exclusively by Opposer.

28. Opposer will be damaged by the registration sought by Applicant because such registration would support and assist Applicant in the use of his mark and thereby dilute Opposer's rights in its distinctive and famous GENTLE LEADER Mark.

WHEREFORE, Opposer respectfully requests that this opposition be sustained and Applicant's application to register the mark EASY LEADER as set forth in Application Serial No. 85/515,135, be denied as filed and published, and Applicant adjudged not entitled to registration of the mark EASY LEADER.

The \$300 filing fee for this Opposition has been charged to Deposit Account No. 19-0522 through the Trademark Trial and Appeal Board's ESTTA filing system. If any additional fees are due in connection with the filing of this Notice of Opposition, they may be charged to this account, and any overpayment may be credited to this account.

Respectfully Submitted

Premier Pet Products, LLC

By its Attorneys,

/s/Thomas H. Van Hoozer

Thomas H. Van Hoozer

Cheryl Burbach

Dianne Smith-Misemer

HOVEY WILLIAMS LLP

10801 Mastin Blvd., Suite 1000

Overland Park, Kansas 66210

(913) 647-9050 - Phone

(913) 647-9057 - Fax

Attorneys for Opposer

Certificate of Service

I hereby certify that a true and correct copy of the foregoing Notice of Opposition, which was filed electronically with the Trademark Trial and Appeal Board, was served upon the attorney of record for Applicant this 3rd day of July, 2012, by first class mail, postage prepaid, addressed as follows:

Don Thornburgh
Don Thornburgh Law Corporation
466 Foothill Blvd #220
LA Canada Flintridge, CA 91011-3518

/s/Thomas H. Van Hoozer

EXHIBIT A

Dogs > Products > Behavior and Training > Gentle Leader >

Product Description

Gentle Leader® Headcollar

Millions of dog owners today enjoy the benefits of stress-free walks thanks to the *Gentle Leader Headcollar*. Designed so that owners can communicate with their pet in a way they instinctively understand, the *Gentle Leader* painlessly and effectively removes the dog's natural tendency to pull by placing gentle pressure on calming points and eliminating uncomfortable pressure on the throat. In addition to reducing a dog's desire to pull away, the *Gentle Leader* is also a very effective tool in combating lunging, jumping, excessive barking and helping to calm an aggressive and/or anxious animal.



[Gentle Leader Instructional Video](#)

Features:

- Straps are made of supple nylon:
 - Won't choke...pressure is applied at the back of the neck vs. the front of the throat.
 - Not a muzzle...when fitted properly a dog can open its mouth to eat, drink, pant, fetch, and bark.
 - Can be used with dogs eight (8) weeks of age or older.
 - Can be worn up to 18 hours/day.
- Comes with easy-to-follow fitting instructions, an abbreviated training guide, and a more comprehensive training DVD. A 66-pg. training booklet is also available.

Still can't decide if you should purchase the Gentle Leader or the Easy Walk™ Harness? [Click here](#) to determine which is best for your dog



Gentle Leader Deluxe Headcollar

The *Gentle Leader Deluxe Headcollar* is a perfect blend of best-in-class performance, improved comfort, and stylish good looks. The *Deluxe* nose loop sports a fashionable ribbon accent and cushy felt pad. Available with a matching 6-foot ribbon and nylon leash the *Gentle Leader Deluxe* is a bold step forward.

Available in 3 ribbon design/color combination...Bones on Squares, Baubles, and My Little Angel.



ECO Gentle Leader Headcollar & Leash

Our world-renowned *Gentle Leader* has gone green! The new ECO version of our beloved *Gentle Leader* has all the same wonderful training and behavioral properties as the original, but now features recycled webbing and packaging. Packaged with a complementary 6 ft. leash for a coordinated look. Available in limited sizes.



Products

Behavior and Training

Easy Buddy

Clicker Products

Easy Walk Harness

Gentle Leader

Product Description

Instruction Guide

Being Instructions

Testimonials

Manners Minder

spray Products

Treats

Other Products

Apparel

Toys

Collars/Leashes/Harnesses

ECO Products

Other Products

Nylon Color Chart

Declaration of Conformity

Instruction Guides

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Why is a Gentle Leader the best choice? Here are just a few of the reasons why...

- Stops leash pulling...an extremely common problem that spans all breeds, ages, and activity levels and leaves both owners and dogs frustrated.
- Controls unwanted behaviors ...general aggression and dog-on-dog aggressive behavior, anxiety issues, and a wide range of compulsive disorders.
- Fully adjustable...both neck strap and nose loop can be adjusted independently to create a custom fit.
- Immediate results...most dogs acclimate within minutes and respond very quickly.
- Lifetime guarantee.

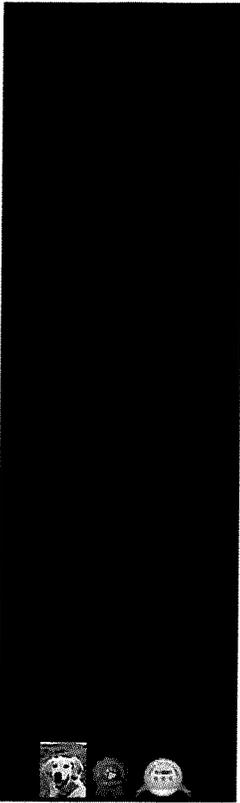
How does a Gentle Leader compare to other halter-like products?

Simply stated it's recommended most often by leading vets and trainers.

- More effective...the *Gentle Leader* allows owners to communicate with their pet in a way that dogs instinctively understand. The nose loop encircles the dog's muzzle and applies light pressure in the same manner in which lead dogs naturally communicate with dogs lower in rank. Because of the placement of the nose loop, the dog immediately understands its place in the hierarchy and recognizes the owner as the leader.
- Can be custom fit...the *Gentle Leader* is the only headcollar with a fully adjustable nose loop. Once fitted properly, dogs can wear a *Gentle Leader* for up to 3x longer than other head halters...as long as 16 hours...and cannot paw it off.
- Unmatched versatility...the *Gentle Leader* can be used effectively to control unwanted behaviors ranging from leash pulling and lunging to barking, jumping, chasing, digging and begging; doesn't need safety straps or double-leashing; and can quickly convert to a regular collar.
- Fashionable...the *Gentle Leader* can be purchased in any of 9 colors.
- Extremely user-friendly...the *Gentle Leader* kit comes with easy-to-follow fitting instructions, simplified training materials and a more elaborate, multi-media training DVD.

PRODUCT ATTRIBUTES	GENTLE LEADER	HALTI
Neck strap is fully adjustable	X	X
Nose loop is fully adjustable	X	
High quality construction	X	
Dog can wear up to 16 hrs/day	X	
Can use without a leash	X	
Training booklet	X	X
Free Training DVD	X	
2 leashes are recommended to avoid dog escaping		X
Dog can remove collar		X

Easy Walk Harness®		Gentle Leader® Headcollar
√	Discourages pulling on a leash.	√+
√	Never causes choking, gagging, coughing.	√
	Helps prevent jumping and lunging.	√
	Helps manage behavior problems such as fear, anxiety, aggression.	√
	Helps control excessive barking.	√
√	Requires little acclimation time or special technique.	



√	For times you need extra control (i.e., vet's office, busy streets).	√+
√	Great for everyday walking.	√
√	Veterinarian and trainer recommended.	√
√	Comfortably fits on short-nosed (brachycephalic) breeds.	
√	Can be used to walk puppies as young as 8 weeks.	√

Treat Trail Dog Behavior and Training Products
Dog Products
Dogs

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EXHIBIT B

Int. Cl.: 18

Prior U.S. Cl.: 3

United States Patent and Trademark Office **Reg. No. 1,467,347**
Registered Dec. 1, 1987

**TRADEMARK
PRINCIPAL REGISTER**

GENTLE LEADER

GENTLE LEADER, INC. (MINNESOTA COR-
PORATION)
SUITE 117-B
1450 ENERGY PARK DRIVE
ST. PAUL, MN 55108

FIRST USE 7-6-1986; IN COMMERCE
7-6-1986.

SER. NO. 653,906, FILED 4-8-1987.

FOR: COMBINED COLLAR AND MUZZLE
FOR TRAINING ANIMALS, IN CLASS 18 (U.S.
CL. 3).

DEBORAH S. COHN, EXAMINING ATTORNEY



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Typed Drawing

Word Mark	GENTLE LEADER
Goods and Services	IC 018. US 003. G & S: COMBINED COLLAR AND MUZZLE FOR TRAINING ANIMALS. FIRST USE: 19860706. FIRST USE IN COMMERCE: 19860706
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	73653906
Filing Date	April 8, 1987
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	September 8, 1987
Registration Number	1467347
Registration Date	December 1, 1987
Owner	(REGISTRANT) GENTLE LEADER, INC. CORPORATION MINNESOTA SUITE 117-B 1450 ENERGY PARK DRIVE ST. PAUL MINNESOTA 55108
	(LAST LISTED OWNER) PREMIER PET PRODUCTS, LLC LIMITED LIABILITY COMPANY VIRGINIA 14201 SOMMERVILLE CT. MIDLOTHIAN VIRGINIA 23113
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	NICKOLAS E. WESTMAN
Type of Mark	TRADEMARK
Register	PRINCIPAL
Affidavit Text	SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20071107.
Renewal	1ST RENEWAL 20071107
Live/Dead	

Indicator LIVE

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EXHIBIT C



EXHIBIT D

United States of America

United States Patent and Trademark Office

EASY WALK

Reg. No. 3,777,502

Registered Apr. 20, 2010

Int. Cl.: 18

TRADEMARK

PRINCIPAL REGISTER

PREMIER PET PRODUCTS, LLC (VIRGINIA LIMITED LIABILITY COMPANY)
14201 SOMMERVILLE COURT
MIDLOTHIAN, VA 23113

FOR: DOG HARNESSSES, IN CLASS 18 (U.S. CLS. 1, 2, 3, 22 AND 41).

FIRST USE 12-9-2004; IN COMMERCE 12-9-2004.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NO. 2,504,174.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "WALK", APART FROM THE MARK AS SHOWN.

SER. NO. 77-818,152, FILED 9-2-2009.

MICHAEL LITZAU, EXAMINING ATTORNEY



David J. Kappas

Director of the United States Patent and Trademark Office



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EASY WALK

Word Mark	EASY WALK
Goods and Services	IC 018. US 001 002 003 022 041. G & S: dog harnesses. FIRST USE: 20041209. FIRST USE IN COMMERCE: 20041209
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	77818152
Filing Date	September 2, 2009
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	February 2, 2010
Registration Number	3777502
Registration Date	April 20, 2010
Owner	(REGISTRANT) Premier Pet Products, LLC LIMITED LIABILITY COMPANY VIRGINIA 14201 Sommerville Court Midlothian VIRGINIA 23113
Attorney of Record	Thomas H. Van Hoozer and Joan Optican Herman
Prior Registrations	2504174
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "WALK" APART FROM THE MARK AS SHOWN
Type of Mark	TRADEMARK
Register	PRINCIPAL

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