

ESTTA Tracking number: **ESTTA488113**

Filing date: **08/08/2012**

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	Brita, LP		
Entity	Partnership	Citizenship	Canada
Composed Of:	Brita, GP & The Brita Products Company		
Address	Place Pury 13 Rue De Mole 2-4 Neuchatel, SWITZERLAND		

Attorney information	Adam C. Brink The Clorox Company 1221 Broadway Oakland, CA 94612 UNITED STATES trademarks@clorox.com Phone:510.208.1496
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Applicant Information

Application No	85579118	Publication date	08/07/2012
Opposition Filing Date	08/08/2012	Opposition Period Ends	09/06/2012
Applicant	Laera, Vito 5960 SW 32 Terrace Fort Lauderdale, FL 33312 UNITED STATES		

Goods/Services Affected by Opposition

<p>Class 011. First Use: 2007/01/01 First Use In Commerce: 2007/01/01 All goods and services in the class are opposed, namely: Faucet aerators; Faucet handles; Faucet sprayers; Faucets; Flexible pipes being parts of basin plumbing installations; Flexible pipes being parts of bath plumbing installations; Flexible pipes being parts of shower plumbing installations; Flexible pipes being parts of sink plumbing installations; Kitchen sink sprayers; Kitchen sinks; Mixer faucets for water pipes; Plumbing fittings, namely, aerators for faucets; Plumbing fittings, namely, baffles; Plumbing fittings, namely, bibbs; Plumbing fittings, namely, cocks; Plumbing fittings, namely, couplers; Plumbing fittings, namely, drains; Plumbing fittings, namely, faucet filters; Plumbing fittings, namely, fresh water fills for recreational vehicles; Plumbing fittings, namely, shower control valves; Plumbing fittings, namely, sink strainers; Plumbing fittings, namely, spouts; Plumbing fittings, namely, tub control valves; Plumbing fittings, namely, valves; Plumbing fixtures, namely, shower mixers; Plumbing fixtures, namely, shower sprayers; Plumbing fixtures, namely, sink sprayers; Plumbing fixtures, namely, sink traps; Plumbing supplies, namely, sink strainers; Shower faucet extensions; Single lever fixtures for lavatories and sinks; Sink drainer system comprised of a drain tray, sink mount, kick stand and rod; Sink pedestals; Sinks; Sinks integrated into counters or countertops; Stainless steel bottom grids specially adapted and shaped for use in sinks; Strainers for plumbing drains; Tap water faucets; Taps; Water faucet spout</p>

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.	1418810	Application Date	08/21/1985
Registration Date	12/02/1986	Foreign Priority Date	NONE
Word Mark	BRITA		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 001. First use: First Use: 1980/10/07 First Use In Commerce: 1980/10/07 ION EXCHANGE RESINS AND ADSORBANTS FOR REMOVING CHEMICAL IMPURITIES FROM WATER</p> <p>Class 009. First use: First Use: 1980/10/07 First Use In Commerce: 1980/10/07 APPARATUS FOR HANDLING WATER TO BE PURIFIED, NAMELY, FLOW AND FILL CONTROL UNITS AND FLOW METERING UNITS FOR DOMESTIC OR INDUSTRIAL USE</p> <p>Class 011. First use: First Use: 1980/10/07 First Use In Commerce: 1980/10/07 WATER FILTERS INCLUDING REFILL PACKAGES, FILTER CARTRIDGES AND FILTER CARTRIDGES WITH ION EXCHANGE MATERIALS OR ADSORBANTS FOR REMOVING PARTICULATE AND CHEMICAL IMPURITIES FROM WATER, FOR DOMESTIC OR INDUSTRIAL USE AND THE LIKE</p>		

U.S. Registration No.	2692101	Application Date	12/08/2000
Registration Date	03/04/2003	Foreign Priority Date	NONE
Word Mark	BRITA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 021. First use: First Use: 1980/10/07 First Use In Commerce: 1980/10/07 PORTABLE WATER DISPENSERS; WATER FILTRATION PITCHERS SOLD EMPTY [AND PORTABLE WATER FILTER BOTTLES SOLD EMPTY]		

U.S. Registration	2719008	Application Date	06/07/2002
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No.			
Registration Date	05/27/2003	Foreign Priority Date	NONE
Word Mark	BRITA		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 011. First use: First Use: 1980/10/07 First Use In Commerce: 1980/10/07 WATER FILTERING UNITS FOR HOUSEHOLD USE; WATER FILTER CARTRIDGES; FAUCET MOUNTED WATER FILTRATION UNITS; WATER FILTERS</p> <p>Class 021. First use: First Use: 1980/10/07 First Use In Commerce: 1980/10/07 WATER DISPENSERS; PITCHERS; [PORTABLE BOTTLES, SOLD EMPTY]</p>		

U.S. Registration No.	3941468	Application Date	09/18/2009
Registration Date	04/05/2011	Foreign Priority Date	NONE
Word Mark	BRITA		
Design Mark			
Description of Mark	The mark consists of blue and light blue dots forming a five by five square which is next to the word "BRITA" which appears in blue.		
Goods/Services	Class 021. First use: First Use: 1980/10/07 First Use In Commerce: 1980/10/07 Water dispensers, namely, portable water dispensers with filtration units; pitchers		

U.S. Registration No.	2916481	Application Date	01/05/2004
Registration Date	01/04/2005	Foreign Priority Date	NONE
Word Mark	BRITA		

Design Mark	BRITA		
Description of Mark	NONE		
Goods/Services	Class 011. First use: First Use: 2003/11/21 First Use In Commerce: 2003/11/21 Water cooler filtration system, namely free-standing water filtration units for household or office use		

U.S. Registration No.	4046738	Application Date	09/30/2010
Registration Date	10/25/2011	Foreign Priority Date	NONE

Word Mark	BRITA BOTTLE
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Design Mark	Brita Bottle		
Description of Mark	NONE		
Goods/Services	Class 011. First use: First Use: 2011/02/14 First Use In Commerce: 2011/02/14 Water filters Class 021. First use: First Use: 2011/02/14 First Use In Commerce: 2011/02/14 Plastic water bottles sold empty		

Attachments	76177663#TMSN.gif (1 page)(bytes) 76418288#TMSN.gif (1 page)(bytes) 77830002#TMSN.jpeg (1 page)(bytes) 78347941#TMSN.jpeg (1 page)(bytes) 85142542#TMSN.jpeg (1 page)(bytes) Notice of Opposition.pdf (45 pages)(6473909 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	/adam brink/
Name	Adam C. Brink
Date	08/08/2012

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

BRITA, LP,

Opposer,

v.

VITO LAERA,

Applicant.

Notice of Opposition

Mark: BRITANIA

Serial No. 85/579,118

Filed: March 24, 2012

Published: August 7, 2012

Opposition No.: _____

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

NOTICE OF OPPOSITION

Brita, LP (“Opposer” or “Brita”) believes that it will be damaged by registration of the trademark BRITANIA (Serial No. 85579118), and hereby opposes the same.

As grounds for this opposition, Opposer alleges:

1. Vito Laera (“Applicant”), an individual with an address at 5960 SW 32 Terrace, Fort Lauderdale, Florida 33312, filed Application Serial No. 85579118 (the “Opposed Application”) for the mark BRITANIA (the “Proposed Mark”) in connection with “Faucet aerators; Faucet handles; Faucet sprayers; Faucets; Flexible pipes being parts of basin plumbing installations; Flexible pipes being parts of bath plumbing installations; Flexible pipes being parts of shower plumbing installations; Flexible pipes being parts of sink plumbing installations; Kitchen sink sprayers; Kitchen sinks; Mixer faucets for water pipes; Plumbing fittings, namely, aerators for faucets; Plumbing fittings, namely, baffles; Plumbing fittings, namely, bibs; Plumbing fittings, namely, cocks; Plumbing fittings, namely, couplers; Plumbing fittings,

namely, drains; Plumbing fittings, namely, faucet filters; Plumbing fittings, namely, fresh water fills for recreational vehicles; Plumbing fittings, namely, shower control valves; Plumbing fittings, namely, sink strainers; Plumbing fittings, namely, spouts; Plumbing fittings, namely, tub control valves; Plumbing fittings, namely, valves; Plumbing fixtures, namely, shower mixers; Plumbing fixtures, namely, shower sprayers; Plumbing fixtures, namely, sink sprayers; Plumbing fixtures, namely, sink traps; Plumbing supplies, namely, sink strainers; Shower faucet extensions; Single lever fixtures for lavatories and sinks; Sink drainer system comprised of a drain tray, sink mount, kick stand and rod; Sink pedestals; Sinks; Sinks integrated into counters or countertops; Stainless steel bottom grids specially adapted and shaped for use in sinks; Strainers for plumbing drains; Tap water faucets; Taps; Water faucet spout” (“Applicant’s Goods”) in Class 11.

2. The Opposed Application was filed with the United States Patent and Trademark Office (“PTO”) on March 24, 2012 (“Applicant’s Filing Date”) based on Applicant’s actual use of the Proposed Mark anywhere and in commerce at least as early as January 1, 2007 (“Applicant’s Alleged First Use Date”).

3. The Opposed Application was published for opposition in the *Official Gazette* on August 7, 2012.

4. Opposer is a Canadian Limited Partnership headquartered at Place Pury 13, Rue De Mole 2-4, Neuchatel, Switzerland. Opposer’s product line includes water filters, whole house water filters, under the sink water filters, refrigerator water filters, faucet mounted water filters, water pitchers, water bottles, and water dispensing units. Opposer’s goods are widely distributed throughout the United States in connection with a family of BRITA marks.

5. Opposer is the owner of U.S. Registration No. 1418810 (issued on December 2, 1986) for the mark BRITA for “ion exchange resins and adsorbants for removing chemical impurities from water” in Class 1 and “water filters including refill packages, filter cartridges and filter cartridges with ion exchange materials or adsorbants for removing particulate and chemical impurities from water, for domestic or industrial use and the like” in Class 11. Opposer

filed the underlying Application Serial No. 73554621 on August 21, 1985, and the mark was first used at least as early as January 7, 1980, both of which predate Applicant's Alleged First Use Date and Applicant's Filing Date. A copy of the TESS and TARR records for U.S. Registration No. 1418810, showing the current status and title of the registration, is attached as Exhibit 1.

6. Opposer is the owner of U.S. Registration No. 2692101 (issued on March 4, 2003) for the mark BRITA for "portable water dispensers; water filtration pitchers sold empty" in Class 21. Opposer filed the underlying Application Serial No. 76177663 on December 8, 2000, and the mark was first used at least as early as January 7, 1980, both of which predate Applicant's Alleged First Use Date and Applicant's Filing Date. A copy of the TESS and TARR records for U.S. Registration No. 2692101, showing the current status and title of the registration, is attached as Exhibit 2.

7. Opposer is the owner of U.S. Registration No. 2719008 (issued on May 27, 2003) for the mark BRITA (and Design) for use in connection with "water filtering units for household use; water filter cartridges; faucet mounted water filtration units; water filters" in Class 11 and "water dispensers; pitchers" in Class 21. Opposer filed the underlying Application Serial No. 76418288 on June 7, 2002, and the mark was first used at least as early as January 7, 1980, both of which predate Applicant's Alleged First Use Date and Applicant's Filing Date. A copy of the TESS and TARR records for U.S. Registration No. 2719008, showing the current status and title of the registration, is attached as Exhibit 3.

8. Opposer is the owner of U.S. Registration No. 3941468 (issued on April 5, 2011) for the mark BRITA (and Design) for use in connection with "water dispensers, namely, portable water dispensers with filtration units; pitchers" in Class 21. Opposer filed the underlying Application Serial No. 77830002 on September 18, 2009, and the mark was first used as early as January 7, 1980. A copy of the TESS and TARR records for U.S. Registration No. 3941468, showing the current status and title of the registration, is attached as Exhibit 4.

9. Opposer is the owner of U.S. Registration No. 2916481 (issued on January 4, 2005) for the mark BRITA for use in connection with "water cooler filtration system, namely free-

standing water filtration units for household or office use” in Class 11. Opposer filed the underlying Application Serial No. 78347941 on January 5, 2004, and the mark was first used as early as November 21, 2003, both of which predate Applicant’s Alleged First Use Date and Applicant’s Filing Date. A copy of the TESS and TARR records for U.S. Registration No. 2916481, showing the current status and title of the registration, is attached as Exhibit 5.

10. Opposer is the owner of U.S. Registration No. 4046738 (issued on October 25, 2011) for the mark BRITA BOTTLE for use in connection with “water filters” in Class 11 and “plastic water bottles sold empty” in Class 21. Opposer filed the underlying Application Serial No. 85142542 on September 30, 2010, and the mark was first used as early as February 14, 2011. A copy of the TESS and TARR records for U.S. Registration No. 4046738, showing the current status and title of the registration, is attached as Exhibit 6.

11. The marks shown in Opposer’s Registration Nos. 1418810, 2692101, 2719008, 3941468, 2916481 and 4046738 are collectively referred to herein as the “BRITA Marks”.

12. Opposer, or its predecessor, has promoted and sold products under the BRITA Marks in commerce in the United States since at least as early as January 1, 1980. Opposer has exercised care and diligence in developing the exceptional and reliable products it provides in connection with the BRITA Marks.

13. Opposer has allocated substantial resources to developing the BRITA Marks and marketing the products sold in connection with the BRITA Marks, including, without limitation, household water filtration products. Opposer has invested in television advertisements, print advertisements, press releases, and an extensive web-based marketing program to promote the BRITA Marks, including in association with household water filtration products. As a result of these efforts, the lengthy period of use of the BRITA Marks, and the high volume of positive commentary among consumers, Opposer’s BRITA Marks have acquired extensive goodwill and consumer recognition throughout the United States, are associated in the minds of the general public with Opposer, and constitute famous marks.

14. The Proposed Mark is confusingly similar in appearance, sound, connotation and

commercial impression to Opposer's BRITA Marks.

15. Applicant's Goods are very closely related to the goods sold by Opposer in connection with the BRITA Marks. For example, the faucets and plumbing fixtures sold by Applicant attach to and function in association with water filtration units, which are sold by Opposer.

16. Applicant's registration of the Proposed Mark would create likelihood of confusion, mistake, or deception in the minds of prospective consumers as to the origin, sponsorship, or approval of Applicant's Goods, within the meaning of Section 2 of the Lanham Act, 15 U.S.C. §1052(d).

17. Applicant's registration of the Proposed Mark would dilute the famous BRITA Marks by blurring the strength and value of the BRITA Marks, affecting the ability of these marks to serve as unique identifiers of Opposer's goods, within the meaning of Section 43 of the Lanham Act, 15 U.S.C. §1125(c)(1).

18. Registration of the Opposed Application and/or Applicant's use of the Proposed Mark would irreparably damage Opposer's exclusive right to use, promote, and license the BRITA Marks in connection with goods and services. Such damage to Opposer will be continuing, as the public is likely to believe that Opposer is sponsoring or endorsing Applicant's Goods.

19. Given Opposer's significant goodwill and excellent reputation, consumers familiar with Opposer's BRITA Marks are likely to believe that Applicant's Goods are sponsored, authorized, or otherwise approved by Opposer. Deficiencies or faults in the quality of Applicant's Goods will reflect negatively upon Opposer, causing Opposer loss of revenues and damage to its reputation.

FIRST GROUND FOR RELIEF

LIKELIHOOD OF CONFUSION UNDER 15 U.S.C. §1052(d)

20. Opposer incorporates by reference paragraphs 1 through 19, as if fully set forth herein.

21. Opposer has used many of the BRITA Marks in commerce in the United States since well before Applicant's Filing Date and before Applicant's Alleged First Use Date.

22. The filing dates associated with many of Opposer's registrations for the BRITA Marks precede Applicant's Filing Date and Applicant's Alleged First Use Date.

23. The Proposed Mark is confusingly similar to Opposer's BRITA Marks in sight, sound, connotation and commercial impression.

24. Opposer offers goods in connection with the BRITA Marks that are highly related to Applicant's Goods.

25. Applicant's registration and/or use of the Proposed Mark is likely to create the erroneous impression that Applicant's Goods originate with, are sponsored or promoted by, or are otherwise associated with, Opposer.

26. Applicant's registration and/or use of the Proposed Mark is likely to create the erroneous impression that the Proposed Mark is another member of Opposer's family of BRITA Marks.

27. Applicant's registration and/or use of the Proposed Mark is likely to cause confusion, mistake, or deception in the minds of prospective consumers as to the origin, sponsorship, or approval of Applicant's Goods within the meaning of Section 2 of the Lanham Act, 15 U.S.C. §1052(d).

SECOND GROUND FOR RELIEF

DILUTION UNDER 15 U.S.C. §1125(c)

28. Opposer incorporates by reference paragraphs 1 through 19, as if fully set forth herein.

29. The BRITA Marks are widely recognized by the consuming public of the United

States as a designation of the source of the goods of Opposer, and have been so recognized since before Applicant's Filing Date and before Applicant's Alleged First Use Date.

30. The BRITA Marks are famous, and have been famous since before Applicant's Filing Date and before Applicant's Alleged First Use Date.

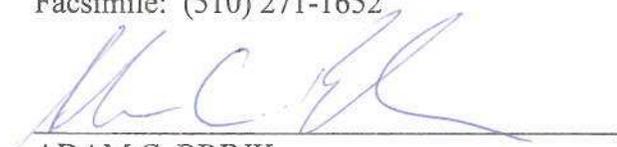
31. Applicant's use of the Proposed Mark is likely to dilute by blurring the strength and value of the BRITA Marks, by affecting the ability of these marks to serve as unique identifiers of Opposer's goods, thereby causing serious injury to the reputation and goodwill that Opposer has established in its BRITA Marks, within the meaning of Section 43 of the Lanham Act, 15 U.S.C. §1125(c)(1).

WHEREFORE, Opposer believes that it would be damaged by registration of Applicant's BRITANIA Mark and respectfully requests that registration of the mark shown in Application Serial No. 85579118 be refused, and that this Opposition be sustained in favor of Opposer.

By and through Opposer, the USPTO is authorized by Adam C. Brink, Attorney for Opposer, to charge the requisite filing fees to the Deposit Account of Brita, LP, Account No. 03-2270. Please deduct any additional fees that may be due, or credit any overpayment, to the same Deposit Account.

DATED: August 8, 2012

BRITA, LP
1221 Broadway
Oakland, California 94612
Telephone: (510) 208-1496
Facsimile: (510) 271-1652


ADAM C. BRINK
Attorney for Opposer

PROOF OF SERVICE BY MAIL

The undersigned declares and says as follows: My business address is 1221 Broadway, Oakland, CA 94612. I am employed in the City of Oakland and County of Alameda; I am over the age of 18 years, and I am not a party to this cause. I am readily familiar with this business' practices for collection and processing of correspondence for mailing with the United States Postal Services. On the same day that a sealed envelope is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service with postage fully prepaid.

On the date indicated below, I served the within **NOTICE OF OPPOSITION** on Applicant by placing a true copy thereof, enclosed in a sealed envelope with postage thereon fully prepaid, for deposit in the United States mail at Oakland, California, following ordinary business practices of Brita, LP, addressed to Applicant as follows:

Vito Laera
5960 SW 32nd Terrace
Fort Lauderdale, FL 33312-6325

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this Declaration is executed in Oakland, California, this 8th day of August, 2012.



Pam Madix

EXHIBIT 1



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Typed Drawing

Word Mark BRITA
Goods and Services IC 001. US 006. G & S: ION EXCHANGE RESINS AND ADSORBANTS FOR REMOVING CHEMICAL IMPURITIES FROM WATER. FIRST USE: 19801007. FIRST USE IN COMMERCE: 19801007

 (CANCELLED) IC 009. US 026. G & S: APPARATUS FOR HANDLING WATER TO BE PURIFIED, NAMELY, FLOW AND FILL CONTROL UNITS AND FLOW METERING UNITS FOR DOMESTIC OR INDUSTRIAL USE. FIRST USE: 19801007. FIRST USE IN COMMERCE: 19801007

 IC 011. US 031. G & S: WATER FILTERS INCLUDING REFILL PACKAGES, FILTER CARTRIDGES AND FILTER CARTRIDGES WITH ION EXCHANGE MATERIALS OR ADSORBANTS FOR REMOVING PARTICULATE AND CHEMICAL IMPURITIES FROM WATER, FOR DOMESTIC OR INDUSTRIAL USE AND THE LIKE. FIRST USE: 19801007. FIRST USE IN COMMERCE: 19801007

Mark Drawing Code (1) TYPED DRAWING
Serial Number 73554621
Filing Date August 21, 1985
Current Basis 1A;44E
Original Filing Basis 1A;44E
Published for Opposition September 9, 1986
Change In Registration CHANGE IN REGISTRATION HAS OCCURRED
Registration Number 1418810
Registration Date December 2, 1986

Owner (REGISTRANT) BRITA WASSERFILTER GMBH LIMITED LIABILITY COMPANY FED REP GERMANY WALDSTR. 4 TAUNUSSTEIN FED REP GERMANY
(LAST LISTED OWNER) BRITA LP LIMITED PARTNERSHIP CANADA PLACE PURY 13 RUE DE MOLE 2-4 NEUCHATEL SWITZERLAND

Assignment Recorded ASSIGNMENT RECORDED

Type of Mark TRADEMARK

Register PRINCIPAL

Affidavit Text SECT 15. PARTIAL SECT 8 (6-YR). SECTION 8(10-YR) 20071025.

Renewal 1ST RENEWAL 20071025

Live/Dead Indicator LIVE

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Serial Number: 73554621 [Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: 1418810

Mark (words only): BRITA

Standard Character claim: No

Current Status: The registration has been renewed.

Date of Status: 2007-10-25

Filing Date: 1985-08-21

Transformed into a National Application: No

Registration Date: 1986-12-02

Register: Principal

Law Office Assigned: (NOT AVAILABLE)

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: 830 -Post Registration

Date In Location: 2007-10-25

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

1. BRITA LP

Address:

BRITA LP
PLACE PURY 13 RUE DE MOLE 2-4
NEUCHATEL
Switzerland

Legal Entity Type: Limited Partnership

State or Country Where Organized: Canada

GOODS AND/OR SERVICES

International Class: 001

Class Status: Active

ION EXCHANGE RESINS AND ADSORBANTS FOR REMOVING CHEMICAL IMPURITIES FROM WATER**Basis:** 1(a), 44(e)**First Use Date:** 1980-10-07**First Use in Commerce Date:** 1980-10-07**International Class:** 009**Class Status:** Section 8 - Cancelled

APPARATUS FOR HANDLING WATER TO BE PURIFIED, NAMELY, FLOW AND FILL CONTROL UNITS AND FLOW METERING UNITS FOR DOMESTIC OR INDUSTRIAL USE

Basis: 1(a), 44(e)**First Use Date:** 1980-10-07**First Use in Commerce Date:** 1980-10-07**International Class:** 011**Class Status:** Active

WATER FILTERS INCLUDING REFILL PACKAGES, FILTER CARTRIDGES AND FILTER CARTRIDGES WITH ION EXCHANGE MATERIALS OR ADSORBANTS FOR REMOVING PARTICULATE AND CHEMICAL IMPURITIES FROM WATER, FOR DOMESTIC OR INDUSTRIAL USE AND THE LIKE

Basis: 1(a), 44(e)**First Use Date:** 1980-10-07**First Use in Commerce Date:** 1980-10-07

ADDITIONAL INFORMATION

Foreign Registration Number: 899547**Foreign Registration Date:** 1981-08-13**Country:** Fed Rep Germany**Foreign Expiration Date:** 1991-09-21

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2007-10-25 - First renewal 10 year

2007-10-25 - Section 8 (10-year) accepted/ Section 9 granted

2007-06-22 - Response received to Post Registration action - Sections 8 & 9

2007-06-22 - PAPER RECEIVED

2007-05-04 - Post Registration action mailed Sections 8 & 9

2007-01-31 - Assigned To Paralegal
2007-01-03 - Case File In TICRS
2006-12-01 - Combined Section 8 (10-year)/Section 9 filed
2006-12-01 - TEAS Section 8 & 9 Received
1993-10-08 - Partial Section 8 (6-year) accepted & Section 15 acknowledged
1993-09-23 - Response received for Post Registration action
1993-03-26 - Post Registration action mailed Section 8 & 15
1992-11-30 - Section 8 (6-year) and Section 15 Filed
1986-12-02 - Registered - Principal Register
1986-09-09 - Published for opposition
1986-08-10 - Notice of publication
1986-06-26 - Approved for Pub - Principal Register (Initial exam)
1986-06-23 - Communication received from applicant
1986-06-23 - Examiner's amendment mailed
1986-06-19 - Assigned To Examiner
1986-05-14 - Communication received from applicant
1985-11-13 - Non-final action mailed
1985-11-04 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Correspondent

BARBARA ELLEN
BRITA LP
PLACE PURY 13 RUE DE MOLE
2-4 NEUCHATEL
SWITZERLAND

Domestic Representative

FRED A. KEIRE

EXHIBIT 2



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Typed Drawing

Word Mark	BRITA
Goods and Services	IC 021. US 002 013 023 029 030 033 040 050. G & S: PORTABLE WATER DISPENSERS; WATER FILTRATION PITCHERS SOLD EMPTY [AND PORTABLE WATER FILTER BOTTLES SOLD EMPTY]. FIRST USE: 19801007. FIRST USE IN COMMERCE: 19801007
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	76177663
Filing Date	December 8, 2000
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	December 10, 2002
Registration Number	2692101
Registration Date	March 4, 2003
Owner	(REGISTRANT) Brita Products Company, The CORPORATION DELAWARE 1221 Broadway Oakland CALIFORNIA 94612 (LAST LISTED OWNER) BRITA LP LIMITED PARTNERSHIP CANADA 1221 BROADWAY OKLAND CALIFORNIA 94612
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	Tim Humphrey
Type of Mark Register	TRADEMARK PRINCIPAL

Affidavit Text SECT 15. SECT 8 (6-YR).

**Live/Dead
Indicator** LIVE

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Serial Number: 76177663 [Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: 2692101

Mark (words only): BRITA

Standard Character claim: No

Current Status: A Sections 8 and 15 combined declaration has been accepted and acknowledged.

Date of Status: 2009-03-28

Filing Date: 2000-12-08

Transformed into a National Application: No

Registration Date: 2003-03-04

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: 830 -Post Registration

Date In Location: 2009-03-28

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

1. BRITA LP

Address:

BRITA LP
1221 BROADWAY
OKLAND, CA 94612
United States

Legal Entity Type: Limited Partnership

State or Country Where Organized: Canada

GOODS AND/OR SERVICES

International Class: 021

Class Status: Active

PORTABLE WATER DISPENSERS; WATER FILTRATION PITCHERS SOLD EMPTY**Basis:** 1(a)**First Use Date:** 1980-10-07**First Use in Commerce Date:** 1980-10-07

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2009-03-28 - Section 8 (6-year) accepted & Section 15 acknowledged

2009-02-09 - Assigned To Paralegal

2009-02-06 - TEAS Section 8 & 15 Received

2008-02-25 - Case File In TICRS

2003-03-04 - Registered - Principal Register

2002-12-10 - Published for opposition

2002-11-20 - Notice of publication

2002-07-31 - Approved for Pub - Principal Register (Initial exam)

2002-06-07 - Communication received from applicant

2002-04-12 - Letter of suspension mailed

2001-11-15 - Communication received from applicant

2001-04-20 - Non-final action mailed

2001-04-17 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Tim Humphrey

Correspondent

Tim Humphrey

THE CLOROX COMPANY

1221 BROADWAY

OAKLAND CA 94612-1837

Phone Number: 510-271-7326

EXHIBIT 3



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Word Mark	BRITA
Goods and Services	IC 011. US 013 021 023 031 034. G & S: WATER FILTERING UNITS FOR HOUSEHOLD USE; WATER FILTER CARTRIDGES; FAUCET MOUNTED WATER FILTRATION UNITS; WATER FILTERS. FIRST USE: 19801007. FIRST USE IN COMMERCE: 19801007
	IC 021. US 002 013 023 029 030 033 040 050. G & S: WATER DISPENSERS; PITCHERS; [PORTABLE BOTTLES, SOLD EMPTY]. FIRST USE: 19801007. FIRST USE IN COMMERCE: 19801007
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	26.01.16 - Circles touching or intersecting 26.01.21 - Circles that are totally or partially shaded. 26.01.31 - Circles - five or more; Five or more circles 26.09.09 - Squares made of geometric figures, objects, humans, plants or animals 26.09.21 - Squares that are completely or partially shaded 26.09.28 - Miscellaneous designs with overall square shape; Square shapes (miscellaneous overall shape)
Serial Number	76418288
Filing Date	June 7, 2002
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	March 4, 2003

Registration Number 2719008
Registration Date May 27, 2003
Owner (REGISTRANT) THE BRITA PRODUCTS COMPANY CORPORATION DELAWARE 1221
Broadway Oakland CALIFORNIA 94612

(LAST LISTED OWNER) BRITA LP LIMITED PARTNERSHIP CANADA 1221 BROADWAY
OAKLAND CALIFORNIA 94612
Assignment Recorded ASSIGNMENT RECORDED
Attorney of Record Tim J. Humphrey
Prior Registrations 1418810;2527233
Description of Mark The stippling is a feature of the mark and does not indicate color.
Type of Mark TRADEMARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR).
Live/Dead Indicator LIVE

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Serial Number: 76418288 [Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: 2719008

Mark



(words only): [BRITA](#)

Standard Character claim: No

Current Status: A Sections 8 and 15 combined declaration has been accepted and acknowledged.

Date of Status: 2009-03-05

Filing Date: 2002-06-07

Transformed into a National Application: No

Registration Date: 2003-05-27

Register: Principal

Law Office Assigned: [LAW OFFICE 112](#)

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: 830 -Post Registration

Date In Location: 2009-03-05

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

1. [BRITA LP](#)

Address:
[BRITA LP](#)
[1221 BROADWAY](#)

OAKLAND, CA 94612

United States

Legal Entity Type: Limited Partnership

State or Country Where Organized: Canada

GOODS AND/OR SERVICES

International Class: 011

Class Status: Active

WATER FILTERING UNITS FOR HOUSEHOLD USE; WATER FILTER CARTRIDGES; FAUCET MOUNTED WATER FILTRATION UNITS; WATER FILTERS

Basis: 1(a)

First Use Date: 1980-10-07

First Use in Commerce Date: 1980-10-07

International Class: 021

Class Status: Active

WATER DISPENSERS; PITCHERS;

Basis: 1(a)

First Use Date: 1980-10-07

First Use in Commerce Date: 1980-10-07

ADDITIONAL INFORMATION

Lining and Stippling: The stippling is a feature of the mark and does not indicate color.

Design Search Code(s):

26.01.16 - Circles touching or intersecting

26.01.21 - Circles that are totally or partially shaded.

26.01.31 - Circles - five or more; Five or more circles

26.09.09 - Squares made of geometric figures, objects, humans, plants or animals

26.09.21 - Squares that are completely or partially shaded

26.09.28 - Miscellaneous designs with overall square shape; Square shapes (miscellaneous overall shape)

Prior Registration Number(s):

1418810

2527233

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2009-03-05 - Section 8 (6-year) accepted & Section 15 acknowledged

2009-02-25 - Assigned To Paralegal

2009-02-23 - TEAS Section 8 & 15 Received

2009-02-19 - Case File In TICRS

2003-05-27 - Registered - Principal Register

2003-03-04 - Published for opposition

2003-02-12 - Notice of publication

2002-12-13 - Approved for Pub - Principal Register (Initial exam)

2002-10-24 - Examiner's amendment mailed

2002-10-21 - Assigned To Examiner

2002-10-18 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Tim J. Humphrey

Correspondent

Tim J. Humphrey

THE CLOROX COMPANY

1221 BROADWAY

OAKLAND CA 94612

Phone Number: 510-271-7326

Fax Number: 510-271-1652

EXHIBIT 4



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Word Mark	BRITA
Goods and Services	IC 021. US 002 013 023 029 030 033 040 050. G & S: Water dispensers, namely, portable water dispensers with filtration units; pitchers. FIRST USE: 19801007. FIRST USE IN COMMERCE: 19801007
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	26.09.09 - Squares made of geometric figures, objects, humans, plants or animals 26.19.01 - Spheres (geometric)
Serial Number	77830002
Filing Date	September 18, 2009
Current Basis	1A
Original Filing Basis	1B
Published for Opposition	July 13, 2010
Registration Number	3941468
Registration Date	April 5, 2011
Owner	(REGISTRANT) Brita LP LIMITED PARTNERSHIP CANADA Place Pury 13 Rue De Mole 2-4 Neuchatel SWITZERLAND
Attorney of Record	Tim Humphrey
Prior	

Registrations 2692101;2719008;2916481;AND OTHERS
Description of Mark The color(s) blue and light blue is/are claimed as a feature of the mark. The mark consists of blue and light blue dots forming a five by five square which is next to the word "BRITA" which appears in blue.
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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Serial Number: 77830002 [Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: 3941468

Mark



(words only): [BRITA](#)

Standard Character claim: No

Current Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Date of Status: 2011-04-05

Filing Date: 2009-09-18

Transformed into a National Application: No

Registration Date: 2011-04-05

Register: Principal

Law Office Assigned: LAW OFFICE 103

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: 650 -Publication And Issue Section

Date In Location: 2011-02-26

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

1. Brita LP

Address:
Brita LP

Place Pury 13 Rue De Mole 2-4
Neuchatel
Switzerland

Legal Entity Type: Limited Partnership
State or Country Where Organized: Canada
Phone Number: 510-271-7326

GOODS AND/OR SERVICES

International Class: 021

Class Status: Active

Water dispensers, namely, portable water dispensers with filtration units; pitchers

Basis: 1(a)

First Use Date: 1980-10-07

First Use in Commerce Date: 1980-10-07

ADDITIONAL INFORMATION

Color(s) Claimed: The color(s) blue and light blue is/are claimed as a feature of the mark.

Description of Mark: The mark consists of blue and light blue dots forming a five by five square which is next to the word "BRITA" which appears in blue.

Design Search Code(s):

26.09.09 - Squares made of geometric figures, objects, humans, plants or animals

26.19.01 - Spheres (geometric)

Prior Registration Number(s):

2692101

2719008

2916481

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2011-04-05 - Registered - Principal Register

2011-03-01 - Notice Of Acceptance Of Statement Of Use E-Mailed

2011-02-26 - Law Office Registration Review Completed

2011-02-18 - Allowed for Registration - Principal Register (SOU accepted)

2011-02-16 - Statement Of Use Processing Complete

2011-01-26 - Use Amendment Filed

2011-02-16 - Case Assigned To Intent To Use Paralegal

2011-01-26 - TEAS Statement of Use Received

2010-09-07 - NOA E-Mailed - SOU Required From Applicant

2010-07-13 - Official Gazette Publication Confirmation E-Mailed

2010-07-13 - Published for opposition

2010-06-04 - Law Office Publication Review Completed

2010-05-27 - Assigned To LIE

2010-05-18 - Approved For Pub - Principal Register

2010-05-18 - Examiner's Amendment Entered

2010-05-18 - Notification Of Examiners Amendment E-Mailed

2010-05-18 - EXAMINERS AMENDMENT E-MAILED

2010-05-18 - Examiners Amendment -Written

2010-05-14 - Teas/Email Correspondence Entered

2010-05-13 - Communication received from applicant

2010-05-13 - TEAS Response to Office Action Received

2010-02-03 - Notification Of Non-Final Action E-Mailed

2010-02-03 - Non-final action e-mailed

2010-02-03 - Non-Final Action Written

2010-02-02 - Previous Allowance Count Withdrawn

2010-01-25 - Withdrawn From Pub - Og Review Query

2010-01-08 - Law Office Publication Review Completed

2010-01-08 - Assigned To LIE

2009-12-17 - Approved For Pub - Principal Register

2009-12-16 - Assigned To Examiner

2009-09-23 - Notice Of Design Search Code Mailed

2009-09-22 - New Application Office Supplied Data Entered In Tram

2009-09-22 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Tim Humphrey

Correspondent

TIM HUMPHREY

THE CLOROX COMPANY

1221 BROADWAY FL 13TH

OAKLAND, CA 94612-1888

Phone Number: 510-271-7326 

EXHIBIT 5



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BRITA

Word Mark	BRITA
Goods and Services	IC 011. US 013 021 023 031 034. G & S: Water cooler filtration system, namely free-standing water filtration units for household or office use. FIRST USE: 20031121. FIRST USE IN COMMERCE: 20031121
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	78347941
Filing Date	January 5, 2004
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	October 12, 2004
Registration Number	2916481
Registration Date	January 4, 2005
Owner	(REGISTRANT) BRITA LP LIMITED PARTNERSHIP CANADA PLACE PURY 13 RUE DE MOLE 2-4 NEUCHATEL SWITZERLAND
Assignment Recorded	ASSIGNMENT RECORDED

Prior Registrations 1418810;2692101;2719008

Type of Mark TRADEMARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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Serial Number: 78347941 [Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: 2916481

Mark

BRITA

(words only): BRITA

Standard Character claim: Yes

Current Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Date of Status: 2005-01-04

Filing Date: 2004-01-05

Transformed into a National Application: No

Registration Date: 2005-01-04

Register: Principal

Law Office Assigned: LAW OFFICE 113

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: 650 -Publication And Issue Section

Date In Location: 2005-01-04

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

1. BRITA LP

Address:
BRITA LP

PLACE PURY 13 RUE DE MOLE 2-4

NEUCHATEL

Switzerland

Legal Entity Type: Limited Partnership

State or Country Where Organized: Canada

GOODS AND/OR SERVICES

International Class: 011

Class Status: Active

Water cooler filtration system, namely free-standing water filtration units for household or office use

Basis: 1(a)

First Use Date: 2003-11-21

First Use in Commerce Date: 2003-11-21

ADDITIONAL INFORMATION

Prior Registration Number(s):

1418810

2692101

2719008

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2005-01-04 - Registered - Principal Register

2004-10-12 - Published for opposition

2004-09-22 - Notice of publication

2004-08-19 - Law Office Publication Review Completed

2004-08-19 - Assigned To LIE

2004-08-10 - Approved for Pub - Principal Register (Initial exam)

2004-08-05 - Examiner's amendment mailed

2004-07-26 - Non-final action mailed

2004-07-21 - Assigned To Examiner

2004-01-12 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Correspondent

THE BRITA PRODUCTS COMPANY

1221 BROADWAY

OAKLAND CA 94612-1837

Phone Number: 510 271 7326

Fax Number: 510 271 1652

EXHIBIT 6



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Brita Bottle

Word Mark BRITA BOTTLE

Goods and Services IC 011. US 013 021 023 031 034. G & S: Water filters. FIRST USE: 20110214. FIRST USE IN COMMERCE: 20110214

IC 021. US 002 013 023 029 030 033 040 050. G & S: Plastic water bottles sold empty. FIRST USE: 20110214. FIRST USE IN COMMERCE: 20110214

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 85142542

Filing Date September 30, 2010

Current Basis 1A

Original Filing Basis 1B

Published for Opposition March 22, 2011

Registration Number 4046738

Registration Date October 25, 2011

Owner (REGISTRANT) Brita, LP LIMITED PARTNERSHIP CANADA Place Pury 13 Rue De Mole 2-4 Neuchatel SWITZERLAND

Attorney of Record Adam Brink

Prior Registrations 1418810;2692101;2719008;2916481

Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "BOTTLE" APART FROM THE

Type of Mark MARK AS SHOWN
Register TRADEMARK
Live/Dead Indicator PRINCIPAL
LIVE

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Serial Number: 85142542 [Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: 4046738

Mark

Brita Bottle

(words only): BRITA BOTTLE

Standard Character claim: Yes

Current Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Date of Status: 2011-10-25

Filing Date: 2010-09-30

Filed as TEAS Plus Application: Yes

Currently TEAS Plus Application: Yes

Transformed into a National Application: No

Registration Date: 2011-10-25

Register: Principal

Law Office Assigned: LAW OFFICE 114

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: 650 -Publication And Issue Section

Date In Location: 2011-09-16

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

1. Brita, LP

Address:

Brita, LP

Place Pury 13 Rue De Mole 2-4

Neuchatel

Switzerland

Legal Entity Type: Limited Partnership**State or Country Where Organized:** Canada

GOODS AND/OR SERVICES

International Class: 011**Class Status:** Active

Water filters

Basis: 1(a)**First Use Date:** 2011-02-14**First Use in Commerce Date:** 2011-02-14**International Class:** 021**Class Status:** Active

Plastic water bottles sold empty

Basis: 1(a)**First Use Date:** 2011-02-14**First Use in Commerce Date:** 2011-02-14

ADDITIONAL INFORMATION

Disclaimer: "BOTTLE"**Prior Registration Number(s):**

1418810

2692101

2719008

2916481

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2011-10-25 - Registered - Principal Register

2011-09-17 - Notice Of Acceptance Of Statement Of Use E-Mailed

2011-09-16 - Law Office Registration Review Completed
2011-09-15 - Allowed for Registration - Principal Register (SOU accepted)
2011-09-15 - Statement Of Use Processing Complete
2011-09-12 - Use Amendment Filed
2011-09-14 - Case Assigned To Intent To Use Paralegal
2011-09-12 - TEAS Statement of Use Received
2011-05-17 - NOA E-Mailed - SOU Required From Applicant
2011-03-22 - Official Gazette Publication Confirmation E-Mailed
2011-03-22 - Published for opposition
2011-02-11 - Law Office Publication Review Completed
2011-02-11 - Assigned To LIE
2011-01-18 - Approved For Pub - Principal Register
2011-01-18 - Examiner's Amendment Entered
2011-01-18 - Notification Of Examiners Amendment E-Mailed
2011-01-18 - Examiners amendment e-mailed
2011-01-18 - Examiners Amendment -Written
2011-01-10 - Assigned To Examiner
2010-10-05 - New Application Office Supplied Data Entered In Tram
2010-10-04 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Adam Brink

Correspondent

ADAM BRINK
1221 BROADWAY
OAKLAND, CA 94612-1837
Phone Number: 510 208 1496