

ESTTA Tracking number: **ESTTA546988**

Filing date: **07/05/2013**

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	Merial
Granted to Date of previous extension	07/06/2013
Address	29 Avenue Tony Garnier Lyon, 69007 FRANCE

Domestic Representative	Brewster Taylor Attorney STITES & HARBISON PLLC 1199 North Fairfax St. Suite 900 Alexandria, VA 22314 UNITED STATES btaylor@stites.com Phone:(703) 739 4900
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Applicant Information

Application No	85776364	Publication date	05/07/2013
Opposition Filing Date	07/05/2013	Opposition Period Ends	07/06/2013
Applicant	PetLife Organic, Inc. 600 S Lake Ave, Suite 402 Pasadena, CA 91106 UNITED STATES		

Goods/Services Affected by Opposition

Class 005. First Use: 2012/09/01 First Use In Commerce: 2012/09/01 All goods and services in the class are opposed, namely: Anti-infective products for veterinary use; Antiparasitic collars for animals; Ear drops; Flea collars; Flea powders; Pharmaceutical preparations for animal skincare; Pharmaceutical preparations for the treatment of worms in pets; Sore skin ointment for pets; Veterinary preparations for removal of ear mites, ticks, fleas, and other parasites
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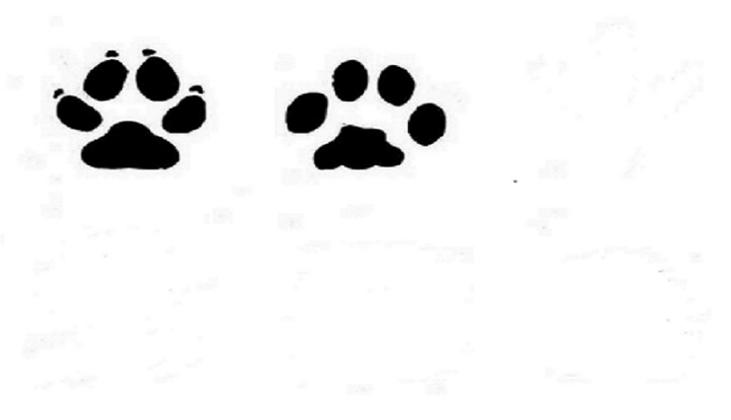
Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
<i>Torres v. Cantine Torresella S.r.l.Fraud</i>	808 F.2d 46, 1 USPQ2d 1483 (Fed. Cir. 1986)
Other	Applicant is not entitled to registration of the mark under Section 2(a)of the Trademark Act since, on information and belief, Applicant had not sold all of the goods identified in the application for which use was claimed in the application prior to the application or prior to

	registration.
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Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	2579144	Application Date	12/01/1998
Registration Date	06/11/2002	Foreign Priority Date	NONE
Word Mark	PUREVAX		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 1999/01/00 First Use In Commerce: 1999/01/00 Veterinary vaccines for the prevention of infectious biological diseases in cats		

U.S. Application/Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Design Mark			
Goods/Services	animal health products		

Attachments	79064961a (2) (3).jpg NOTICE_OF_OPPOSITION.pdf(2511027 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	/BT/
Name	Brewster Taylor
Date	07/05/2013