

ESTTA Tracking number: **ESTTA558862**

Filing date: **09/11/2013**

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	Invisible Fence, Inc.		
Entity	Corporation	Citizenship	Delaware
Address	10427 PetSafe Way Knoxville, TN 37932 UNITED STATES		

Attorney information	Ian G. McFarland Merchant & Gould, PC P.O. Box 2910 Minneapolis, MN 55402-9944 UNITED STATES dockmpls@merchantgould.com, akreis@merchantgould.com		
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Applicant Information

Application No	85739687	Publication date	08/13/2013
Opposition Filing Date	09/11/2013	Opposition Period Ends	09/12/2013
Applicant	Cochrane Steel Products (PTY) LTD 125 Fitter Road Spartan, Kempton Park, 1619 SOUTH AFRICA		

Goods/Services Affected by Opposition

Class 006. All goods and services in the class are opposed, namely: METAL FENCES AND FENCING; METAL FENCE POSTS AND STAYS; ARTICLES OF DRAWN AND ROLLED METAL, NAMELY, WIRES, PIPES, TUBES AND PALES; MOBILE AND STATIONARY METAL BARRIERS; RAZOR MESH AND WIRE; METAL SECURITY BARRIERS; METAL WALL SPIKES; METAL PALISADE FENCES AND COMPONENTS THEREFOR; COILED CONTINUOUS METAL STRIPS FOR USE AS FENCING, NAMELY, BARBED TAPE; CONCERTINA COILS, WIRES OF ALL KINDS

Grounds for Opposition

Deceptiveness	Trademark Act section 2(a)
False suggestion of a connection	Trademark Act section 2(a)
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.	1371021	Application Date	07/17/1984
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Registration Date	11/19/1985	Foreign Priority Date	NONE
Word Mark	INVISIBLE FENCING		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 1976/08/00 First Use In Commerce: 1976/08/00 ELECTRONIC ANIMAL CONFINEMENT UNIT COMPRISING TRANSMITTERS, ELECTRIC TRANSFORMERS, WIRES, AND RECEIVER COLLARS		

U.S. Registration No.	1600470	Application Date	05/12/1989
Registration Date	06/12/1990	Foreign Priority Date	NONE
Word Mark	INVISIBLE FENCE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 1983/01/00 First Use In Commerce: 1983/01/00 ELECTRONIC ANIMAL CONFINEMENT UNIT COMPRISING TRANSMITTERS, ELECTRIC TRANSFORMERS, WIRES, AND RECEIVER COLLARS		

U.S. Registration No.	1687015	Application Date	12/07/1989
Registration Date	05/12/1992	Foreign Priority Date	NONE
Word Mark	INVISIBLE BOUNDARY		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 1991/10/15 First Use In Commerce: 1991/10/15 ELECTRICAL ANIMAL CONFINEMENT SYSTEM, COMPRISING TRANSMITTERS, WIRES AND RECEIVERS		

U.S. Registration No.	1765230	Application Date	12/09/1991
Registration Date	04/13/1993	Foreign Priority Date	NONE
Word Mark	INVISIBLE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 1992/07/15 First Use In Commerce: 1992/07/15 electrical animal confinement system comprising transmitter, wire and receiver		

U.S. Registration No.	1966900	Application Date	05/15/1995
Registration Date	04/09/1996	Foreign Priority	NONE

		Date	
Word Mark	INVISIBLE MASK		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 1995/05/15 First Use In Commerce: 1995/05/15 electrical transmitter for use with pet containment system		

U.S. Registration No.	2472142	Application Date	04/21/1999
Registration Date	07/24/2001	Foreign Priority Date	NONE
Word Mark	INVISIBLE GATE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 1999/06/09 First Use In Commerce: 1999/06/09 electrical transmitters		

Attachments	Notice of Opposition w Exhibits A and B.pdf(799428 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 Overnight Courier on this date.

Signature	/Ian G. McFarland/
Name	Ian G. McFarland
Date	09/11/2013

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

Invisible Fence, Inc.)	
)	Opposition No. _____
Opposer,)	
)	Mark: THE INVISIBLE WALL
v.)	
)	Application Ser. No. 85/739,687
Cochrane Steel Products Ltd,)	
)	Filed: September 27, 2012
Applicant.)	
)	Published: August 13, 2013
_____)	

NOTICE OF OPPOSITION

Invisible Fence, Inc. (hereinafter “Opposer”), a Delaware Corporation, having a principal place of business at 10427 PetSafe Way, Knoxville, Tennessee 37932, believes it will be damaged by the registration of Application Serial No. 85/739,687 to Cochrane Steel Products, Ltd, (hereinafter “Applicant”) for the mark THE INVISIBLE WALL as a trademark and hereby opposes the same upon the following grounds:

1. By the application herein opposed, Applicant is seeking to obtain under the provisions of the Trademark Act of 1946 as amended, registration on the Principal Register of THE INVISIBLE WALL (hereinafter “Applicant’s intended mark”) for metal fencing and related products in Class 06, including “metal fences and fencing; metal fence posts and stays; articles of drawn and rolled metal, namely, wires, pipes, tubes and pales; mobile and stationary metal barriers; razor mesh and wire; metal security barriers; metal wall spikes; metal palisade fences and components therefor; coiled continuous metal strips for use as fencing namely, barbed tape; concertina coils, wires of all kinds.”

2. Applicant filed its intent-to-use application on September 27, 2012. Applicant's intended mark published for opposition on August 13, 2013. This Notice of Opposition is timely filed.

3. Since at least as early as 1976, Opposer has been using its well-known INVISIBLE FENCING® trademark to identify and promote its pet containment system products and services.

4. Since at least as early as 1983, Opposer has been using its well-known INVISIBLE FENCE® trademark to identify and promote its pet containment system products and services.

5. Since at least as early as 1991, Opposer has been using its well-known INVISIBLE BOUNDARY® trademark to identify and promote its pet containment system products and services.

6. Since at least as early as 1992, Opposer has been using its well-known INVISIBLE® trademark to identify and promote its pet containment system products and services.

7. Since at least as early as 1999, Opposer has been using its well-known INVISIBLE GATE® trademark to identify and promote its pet containment system products and services.

8. Opposer owns and uses the following registrations featuring the word INVISIBLE for the promotion of its pet containment system products and services (collectively referred to herein as "Opposer's Invisible Marks"):

Registered Mark	Reg. No./ Reg. Date	Serial No./ Filing Date	First Use Date	Int'l Class
INVISIBLE FENCING	1,371,021 11/19/1985	73/490,278 07/17/2984	August 1, 1976	009
INVISIBLE FENCE	1,600,470 06/12/1990	73/799,748 05/12/1989	January 1, 1983	009
INVISIBLE BOUNDARY	1,687,015 05/12/1992	74,008,675 12/07/1989	October 15, 1991	009
INVISIBLE	1,765,230 04/13/1993	74/228,652 12/09/1991	July 15, 1992	009
INVISIBLE MASK	1,966,900 04/09/1996	74/673,736 05/15/1995	May 15, 1995	009
INVISIBLE GATE	2,472,142 07/24/2001	75/688,567 04/21/1999	June 9, 1999	009

Printouts of information from the Trademark Status and Document Retrieval electronic database records of the USPTO showing the current status and title of the registrations listed in the above table are attached hereto as **Exhibit A**.

9. The registrations listed in the above table have not been canceled, are valid, and are now in full force and effect.

10. Opposer's registrations are incontestable under Section 15 of the Lanham Act, 15 U.S.C. § 1605. Consequently, these registrations are conclusive evidence of the validity of the registered marks and of the registrations of the marks, of Opposer's ownership of the marks, and of Opposer's exclusive right to use the registered marks in commerce under Section 33 of the Lanham Act, 15 U.S.C. § 1115.

11. Opposer has also used its Invisible Marks to promote its pet access solutions in addition to promoting its pet containment system products and services. One pet access product

that Opposer currently promotes and sells is the Invisible Fence® Brand Doorman™, which helps secure a home from unwanted animals. Evidence of Opposer's usage of its Invisible Marks in connection with its pet access products is shown in the attached **Exhibit B**.

12. Opposer's Invisible Marks have been extensively advertised and promoted. Opposer has also made substantial sales of products and services under said marks. As a result of such use and promotion, Opposer's Invisible Marks have developed and represent valuable goodwill inuring to the benefit of Opposer. In addition, Opposer's Invisible Marks are famous, and became famous prior to the filing date for Applicant's application.

13. Opposer has priority with respect to the marks at issue in this opposition. Opposer adopted and commenced use of its Invisible Marks as trademarks long before Applicant filed its intent-to-use application. Opposer's first usage of its Invisible Marks commenced at least as early as 1976, approximately thirty-six (36) years prior to the filing date of Applicant's application. Even the most recent registration of Opposer's Invisible Marks issued more than ten (10) years prior to the filing date of Applicant's application.

14. Upon information and belief, Applicant had at least constructive knowledge of the fact that Opposer used its Invisible Marks as trademarks before it filed its application for registration.

15. Applicant's intended mark is confusingly and deceptively similar to Opposer's previously used and duly registered Invisible Marks.

16. Applicant's intended mark is similar in appearance, connotation, and commercial impression to many of Opposer's Invisible Marks.

17. The dominant parts of both parties' marks are the same, namely the distinctive term INVISIBLE. In addition, the likelihood of consumer confusion is enhanced by the fact that

Applicant uses the term WALL, which is similar in meaning to FENCE, BOUNDARY, and GATE, all of which are owned and used by Opposer.

18. The goods sold and marketed by Opposer under its Invisible Marks are closely related to the goods listed in Applicant's application for registration of its intended mark.

19. Applicant seeks registration of THE INVISIBLE WALL mark in connection with metal fences and fence-related products. Opposer owns and uses both the INVISIBLE FENCE® and INVISIBLE FENCING® trademarks for similar products.

20. Both Applicant's and Opposer's products are directed to perimeter containment and include wire components.

21. Applicant's products are directed to physical barriers. Opposer's pet access products include physical barriers and are marketed and sold under its Invisible Marks.

22. The marketing channels used by the parties to promote their respective products overlap.

23. Applicant's intended mark is for fences and fence-related products with no restrictions as to the channels of trade through which the products are sold. Accordingly, Applicant's fences and fence-related products are assumed to travel in all of the ordinary channels of trade for such products. Opposer promotes and sells its pet containment system products to the same class of consumers to solve the same problems as Applicant and its conventional fence products. In addition, Opposer's Invisible Marks are frequently found in advertising channels (e.g., telephone directories) under the category heading "fences."

24. Due to the similarity between Applicant's intended mark and Opposer's previously used and duly registered Invisible Marks, including the closely related nature of the goods and services of the respective parties, customers and potential customers are likely to

believe that Applicant's goods and services originate from Opposer, resulting in a likelihood of confusion in the marketplace and damage to Opposer.

25. The use and registration by Applicant of its THE INVISIBLE WALL mark for Applicant's goods is likely to cause confusion or to cause mistake or deception in the trade and among purchasers and potential purchasers with Opposer's previously used and duly registered Invisible Marks, again resulting in damage to Opposer.

26. Because of the closely related nature of the goods, and the similarity of the marks, use and registration of Applicant's intended mark is likely to cause confusion, mistake, or deception that Applicant's goods are those of Opposer, or are otherwise endorsed, sponsored, or approved by Opposer for use with Applicant's products causing further damage to Opposer.

27. Applicant's use and registration of its THE INVISIBLE WALL mark is likely to dilute the distinctive quality of Opposer's Invisible Marks, again resulting in damage to Opposer.

28. If Applicant is granted registration of the mark herein opposed, it would thereby obtain at least a prima facie exclusive right to use its intended mark. Such registration would be a source of further damage and injury to Opposer.

29. Registration of THE INVISIBLE WALL mark, Application Serial No. 85/739,687 will result in damage to Opposer under the provisions of Section 2 of the U.S. Trademark Act, 15 U.S.C. § 1052, pursuant to the allegations stated above.

PRAYER FOR RELIEF

WHEREFORE, Opposer asks that its opposition to Application No. 85/739,687 be sustained and that the registration set forth therein be refused.

Please direct all correspondence to the attention of **R. Bradford Brittian**:

MERCHANT & GOULD P.C.
P.O. Box 2910
Minneapolis, MN 55402
612-332-5300

Invisible Fence, Inc. hereby appoints R. Bradford Brittian, John T. Winemiller, Ian G. McFarland, and Scott W. Johnston as attorneys with the full power to represent Invisible Fence, Inc., to receive all correspondence related thereto and to represent it in all proceedings affecting the potential opposition of the mark.

Accompanying this Notice of Opposition is the required fee of \$300.00.

Dated: September 11th, 2013

Respectfully submitted,

INVISIBLE FENCE, INC.

By its attorneys,

/Ian G. McFarland/

R. Bradford Brittian

John T. Winemiller

Ian G. McFarland

MERCHANT & GOULD P.C.

9717 Cogdill Road, Suite 101

Knoxville, TN 37932

(865) 380-5960

bbrittian@merchantgould.com

jwinemiller@merchantgould.com

imcfarland@merchantgould.com

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing NOTICE OF OPPOSITION was served upon Applicant and its Filing Correspondent by UPS, postage pre-paid, this 11th day of September, 2013:

Corchrane Steel Products Ltd
125 Fitter Road
Spartan, Kempton Park, 1619
South Africa

John G. Tutunjian
Tutunjian & Bitetto, P.C.
425 Broadhollow Rd., Suite 302
Melville, NY 11747

/Ian G. McFarland/
Ian G. McFarland

EXHIBIT A

We are currently receiving reports that some users are unable to view documents using Trademark Status and Document Retrieval (TSDR). The problem is being addressed by staff at the USPTO. If you encounter difficulties with TSDR, please email TSDR@uspto.gov. We sincerely apologize for any inconvenience this may cause.

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Mark: INVISIBLE FENCING

No Image
exists for this
case.

US Serial Number: 73490278

Application Filing Date: Jul. 17, 1

US Registration Number: 1371021

Registration Date: Nov. 19,

Register: Principal

Mark Type: Trademark

Status: A cancellation proceeding is pending at the Trademark Trial and Appeal Board. For further info
Trial and Appeal Board web page.

Status Date: Dec. 11, 2008

Publication Date: Sep. 10, 1985

Mark Information

Mark Literal Elements: INVISIBLE FENCING

Standard Character Claim: No

Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

Acquired Distinctiveness In whole

Claim:

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((..)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks *..* identify additional (new) wording in the goods/services.

For: ELECTRONIC ANIMAL CONFINEMENT UNIT COMPRISING TRANSMITTERS, ELECTRIC 1
RECEIVER COLLARS

International Class(es): 009 - Primary Class

U.S Class(es): 021, 026

Class Status: ACTIVE

Basis: 1(a)

First Use: Aug. 1976

Use in Commerce: Aug. 197

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Filed ITU: No

Currently ITU: No

Filed 44D: No

Currently 44D: No

Filed 44E: No

Currently 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: INVISIBLE FENCE, INC.

Owner Address: 1000 FULLER DIRVE
GARRETT, INDIANA 46783
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Jacob G. Horton

Correspondent

Correspondent Name/Address: R BRADFORD BRITTIAN
PITTS AND BRITTIAN PC
PO BOX 51295
KNOXVILLE, TENNESSEE 37950-1295
UNITED STATES

Phone: 865-584-0105

Fax: 865-584-

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Aug. 13, 2013	NOTICE OF SUIT	
Feb. 15, 2013	NOTICE OF SUIT	

Jan. 09, 2013	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Nov. 21, 2012	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Oct. 03, 2012	NOTICE OF SUIT	
Sep. 08, 2011	NOTICE OF SUIT	
Mar. 01, 2011	NOTICE OF SUIT	
Dec. 11, 2008	CANCELLATION INSTITUTED NO. 999999	50322
Dec. 05, 2008	ATTORNEY REVOKED AND/OR APPOINTED	
Dec. 05, 2008	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Sep. 27, 2006	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Jan. 19, 2006	CASE FILE IN TICRS	
Nov. 18, 2005	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	66607
Nov. 18, 2005	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Nov. 18, 2005	ASSIGNED TO PARALEGAL	66607
Jul. 25, 2005	REGISTERED - COMBINED SECTION 8 (10 -YR) & SEC. 9 FILED	
Jul. 25, 2005	TEAS SECTION 8 & 9 RECEIVED	
Dec. 18, 2003	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jan. 07, 1992	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	
Aug. 26, 1991	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Nov. 19, 1985	REGISTERED-PRINCIPAL REGISTER	
Sep. 10, 1985	PUBLISHED FOR OPPOSITION	
Aug. 11, 1985	NOTICE OF PUBLICATION	
Jul. 15, 1985	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jul. 09, 1985	EXAMINERS AMENDMENT MAILED	
Jun. 20, 1985	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Dec. 24, 1984	NON-FINAL ACTION MAILED	
Dec. 10, 1984	ASSIGNED TO EXAMINER	

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Nov. 19, 2005

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: TMEG LAW OFFICE 104

Date in Location: Jan. 23, :

Assignment Abstract Of Title Information - Click to Load

Proceedings - Click to Load

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Mark: INVISIBLE FENCE

No Image exists for this case.

US Serial Number: 73799748

Application Filing Date: May 12,

US Registration Number: 1600470

Registration Date: Jun. 12,

Register: Principal

Mark Type: Trademark

Status: A cancellation proceeding is pending at the Trademark Trial and Appeal Board. For further info see Trademark Trial and Appeal Board web page.

Status Date: Dec. 10, 2008

Publication Date: Mar. 20, 1990

Mark Information

Mark Literal Elements: INVISIBLE FENCE

Standard Character Claim: No

Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

Acquired Distinctiveness Claim: In whole

Claim:

Related Properties Information

Claimed Ownership of US [1371021](#)

Registrations:

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of

- Asterisks *..* identify additional (new) wording in the goods/services.

For: ELECTRONIC ANIMAL CONFINEMENT UNIT COMPRISING TRANSMITTERS, ELECTRIC 1 RECEIVER COLLARS

International Class(es): 009 - Primary Class

U.S Class(es): 021, 026

Class Status: ACTIVE

Basis: 1(a)

First Use: Jan. 1983

Use in Commerce: Jan. 1983

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Filed ITU: No

Currently ITU: No

Filed 44D: No

Currently 44D: No

Filed 44E: No

Currently 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: Invisible Fence, Inc.

Owner Address: 10427 Electric Avenue
Knoxville, TENNESSEE 37932
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWA/

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Jacob G. Horton

Docket Number: 34163.82

Correspondent

Correspondent Name/Address: R BRADFORD BRITTIAN
PITTS AND BRITTIAN PC
PO BOX 51295
KNOXVILLE, TENNESSEE 37950
UNITED STATES

Phone: 865-584-0105

Fax: 865-584-

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Aug. 13, 2013	NOTICE OF SUIT	
Feb. 15, 2013	NOTICE OF SUIT	
Jan. 09, 2013	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Nov. 21, 2012	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Oct. 03, 2012	NOTICE OF SUIT	
Sep. 08, 2011	NOTICE OF SUIT	
Mar. 01, 2011	NOTICE OF SUIT	
Apr. 24, 2010	REGISTERED AND RENEWED (SECOND RENEWAL - 10 YRS)	64591
Apr. 24, 2010	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Apr. 23, 2010	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	64591
Apr. 15, 2010	TEAS SECTION 8 & 9 RECEIVED	
Dec. 12, 2008	CASE FILE IN TICRS	
Dec. 10, 2008	CANCELLATION INSTITUTED NO. 999999	50306
Dec. 05, 2008	ATTORNEY REVOKED AND/OR APPOINTED	
Dec. 05, 2008	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Sep. 27, 2006	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Dec. 17, 2003	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Nov. 24, 2003	PAPER RECEIVED	
Jan. 04, 2001	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	
Jan. 04, 2001	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
May 22, 2000	REGISTERED - COMBINED SECTION 8 (10 -YR) & SEC. 9 FILED	
Jul. 23, 1996	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	
Apr. 17, 1996	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	

Jun. 12, 1990	REGISTERED-PRINCIPAL REGISTER	
Mar. 20, 1990	PUBLISHED FOR OPPOSITION	
Feb. 17, 1990	NOTICE OF PUBLICATION	
Jan. 11, 1990	APPROVED FOR PUB - PRINCIPAL REGISTER	
Dec. 14, 1989	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Aug. 09, 1989	NON-FINAL ACTION MAILED	
Jul. 18, 1989	ASSIGNED TO EXAMINER	66753

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Jun. 12, 2010

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: Not Found

Date in Location: Apr. 24, ;

Assignment Abstract Of Title Information - [Click to Load](#)

Proceedings - [Click to Load](#)

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Mark: INVISIBLE BOUNDARY

No Image exists for this case.

US Serial Number: 74008675

Application Filing Date: Dec. 07,

US Registration Number: 1687015

Registration Date: May 12,

Register: Principal

Mark Type: Trademark

Status: The registration has been renewed.

Status Date: May 11, 2012

Publication Date: Jan. 29, 1991

Notice of Allowance Date: Apr. 23,

Mark Information

Mark Literal Elements: INVISIBLE BOUNDARY

Standard Character Claim: No

Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

Related Properties Information

Claimed Ownership of US [1371021](#), [1600470](#)

Registrations:

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks *.* identify additional (new) wording in the goods/services.

For: ELECTRICAL ANIMAL CONFINEMENT SYSTEM, COMPRISING TRANSMITTERS, WIRES /

International Class(es): 009 - Primary Class

U.S Class(es): 021, 026

Class Status: ACTIVE

Basis: 1(a)

First Use: Oct. 15, 1991

Use in Commerce: Oct. 15, 2013

Basis Information (Case Level)

Filed Use: No

Currently Use: Yes

Filed ITU: Yes

Currently ITU: No

Filed 44D: No

Currently 44D: No

Filed 44E: No

Currently 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: INVISIBLE FENCE, INC.

Owner Address: 10427 PetSafe Way
Knoxville, TENNESSEE 37932
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Jacob G. Horton

Docket Number: 34162.82

Correspondent

Correspondent Name/Address: Jacob G. Horton
Pitts & Lake, P.C.
P.O. Box 51295
KNOXVILLE, TENNESSEE 37950-1295
UNITED STATES

Phone: 865-584-0105

Fax: 865-584-0105

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jan. 09, 2013	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	

Nov. 21, 2012	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
May 11, 2012	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - MAILED	
May 11, 2012	REGISTERED AND RENEWED (SECOND RENEWAL - 10 YRS)	69471
May 11, 2012	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	69471
May 11, 2012	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	69471
Apr. 30, 2012	TEAS SECTION 8 & 9 RECEIVED	
Dec. 05, 2008	ATTORNEY REVOKED AND/OR APPOINTED	
Dec. 05, 2008	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Jan. 02, 2008	CASE FILE IN TICRS	
Sep. 27, 2006	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Oct. 31, 2005	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Dec. 17, 2003	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jun. 23, 2003	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	
Jun. 23, 2003	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Oct. 07, 2002	RESPONSE RECEIVED TO POST REG. ACTION - SEC. 8 & 9	
Oct. 07, 2002	PAPER RECEIVED	
Jul. 31, 2002	POST REGISTRATION ACTION MAILED - SEC. 8 & 9	
May 14, 2002	REGISTERED - COMBINED SECTION 8 (10 -YR) & SEC. 9 FILED	
May 13, 2002	TEAS SECTION 8 & 9 RECEIVED	
Apr. 04, 1998	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	
Feb. 26, 1998	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Oct. 06, 1992	REG. CANCELLED - RESTORED TO PENDENCY	
Jun. 16, 1992	REGISTERED-PRINCIPAL REGISTER	

May 12, 1992	REGISTERED-PRINCIPAL REGISTER	
Jan. 02, 1992	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Jan. 02, 1992	ASSIGNED TO EXAMINER	61380
Dec. 04, 1991	STATEMENT OF USE PROCESSING COMPLETE	
Oct. 20, 1991	USE AMENDMENT FILED	
Apr. 23, 1991	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Jan. 29, 1991	PUBLISHED FOR OPPOSITION	
Dec. 28, 1990	NOTICE OF PUBLICATION	
Oct. 22, 1990	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 21, 1990	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Mar. 22, 1990	NON-FINAL ACTION MAILED	
Mar. 06, 1990	ASSIGNED TO EXAMINER	61380

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: May 12, 2012

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: Not Found

Date in Location: May 11, :

Assignment Abstract Of Title Information - Click to Load

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Mark: INVISIBLE

No Image exists for this case.

US Serial Number: 74228652

Application Filing Date: Dec. 09,

US Registration Number: 1765230

Registration Date: Apr. 13,

Register: Principal

Mark Type: Trademark

Status: A cancellation proceeding is pending at the Trademark Trial and Appeal Board. For further info Trial and Appeal Board web page.

Status Date: Dec. 09, 2008

Publication Date: Jun. 23, 1992

Notice of Allowance Date: Sep. 15,

Mark Information

Mark Literal Elements: INVISIBLE

Standard Character Claim: No

Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

Related Properties Information

Claimed Ownership of US [1371021](#), [1600470](#), [1657246](#)

Registrations:

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks *.* identify additional (new) wording in the goods/services.

For: electrical animal confinement system comprising transmitter, wire and receiver

International Class(es): 009 - Primary Class

U.S Class(es): 026

Class Status: ACTIVE

Basis: 1(a)

First Use: Jul. 15, 1992

Use in Commerce: Jul. 15, 1

Basis Information (Case Level)

Filed Use: No

Currently Use: Yes

Filed ITU: Yes

Currently ITU: No

Filed 44D: No

Currently 44D: No

Filed 44E: No

Currently 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: INVISIBLE FENCE, INC.

Owner Address: 10427 PetSafe Way
Knoxville, TENNESSEE 37932
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWA/

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Jacob G. Horton

Docket Number: 34160.82

Correspondent

Correspondent Name/Address: Jacob G. Horton
Pitts & Lake, P.C.
P.O. Box 51295
Knoxville, TENNESSEE 37950-1295
UNITED STATES

Phone: 865-584-0105

Fax: 865-584-

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Aug. 13, 2013	NOTICE OF SUIT	

Apr. 01, 2013	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - MAILED	
Apr. 01, 2013	REGISTERED AND RENEWED (SECOND RENEWAL - 10 YRS)	66607
Apr. 01, 2013	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	66607
Apr. 01, 2013	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	66607
Mar. 19, 2013	TEAS SECTION 8 & 9 RECEIVED	
Feb. 15, 2013	NOTICE OF SUIT	
Jan. 09, 2013	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Nov. 21, 2012	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Oct. 03, 2012	NOTICE OF SUIT	
Sep. 08, 2011	NOTICE OF SUIT	
Mar. 01, 2011	NOTICE OF SUIT	
Dec. 09, 2008	CANCELLATION INSTITUTED NO. 999999	50302
Dec. 05, 2008	ATTORNEY REVOKED AND/OR APPOINTED	
Dec. 05, 2008	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Aug. 04, 2008	CASE FILE IN TICRS	
Sep. 27, 2006	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Oct. 31, 2005	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Dec. 17, 2003	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jun. 14, 2003	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	
Jun. 14, 2003	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Apr. 08, 2003	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
Apr. 08, 2003	TEAS SECTION 8 & 9 RECEIVED	
Apr. 16, 1999	CERTIFICATE OF CORRECTION ISSUED	
Jun. 16, 1998	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	

Jun. 12, 1998	POST REGISTRATION ACTION MAILED - SEC. 8 & 15	
Apr. 22, 1998	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Apr. 13, 1993	REGISTERED-PRINCIPAL REGISTER	
Jan. 11, 1993	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Jan. 08, 1993	ASSIGNED TO EXAMINER	69803
Dec. 22, 1992	STATEMENT OF USE PROCESSING COMPLETE	
Nov. 24, 1992	USE AMENDMENT FILED	
Sep. 15, 1992	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Jun. 23, 1992	PUBLISHED FOR OPPOSITION	
May 22, 1992	NOTICE OF PUBLICATION	
Mar. 09, 1992	APPROVED FOR PUB - PRINCIPAL REGISTER	
Mar. 02, 1992	EXAMINER'S AMENDMENT MAILED	
Feb. 26, 1992	ASSIGNED TO EXAMINER	69803

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Apr. 13, 2013

Change in Registration: Yes

Correction made to Registration: In the statement, Column 1, lines 1 and 2 "Pennsylvania corporation" should be deleted and D

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: Not Found

Date in Location: Apr. 01, :

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Mark: INVISIBLE MASK

No Image exists for this case.

US Serial Number: 74673736

Application Filing Date: May 15,

US Registration Number: 1966900

Registration Date: Apr. 09,

Register: Principal

Mark Type: Trademark

Status: The registration has been renewed.

Status Date: Jun. 29, 2006

Publication Date: Jan. 16, 1996

Mark Information

Mark Literal Elements: INVISIBLE MASK

Standard Character Claim: No

Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((..)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks *.* identify additional (new) wording in the goods/services.

For: electrical transmitter for use with pet containment system

International Class(es): 009 - Primary Class

U.S Class(es): 021, 023

Class Status: ACTIVE

Basis: 1(a)

First Use: May 15, 1995

Use in Commerce: May 15,

Basis Information (Case Level)

Filed Use: No	Currently Use: Yes
Filed ITU: Yes	Currently ITU: No
Filed 44D: No	Currently 44D: No
Filed 44E: No	Currently 44E: No
Filed 66A: No	Currently 66A: No
Filed No Basis: No	Currently No Basis: No

Current Owner(s) Information

Owner Name: INVISIBLE FENCE, INC.

Owner Address: 1000 Fuller Drive
Garrett, INDIANA 46738
UNITED STATES

Legal Entity Type: CORPORATION **State or Country Where Organized:** DELAWA/

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Jacob G. Horton

Correspondent

Correspondent Name/Address: Jacob G. Horton
Pitts and Brittian, P.C.
P. O. Box 51295
Knoxville, TENNESSEE 37950-1295
UNITED STATES

Phone: 865-584-0105

Fax: 865-584-

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jan. 09, 2013	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Nov. 21, 2012	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Dec. 05, 2008	ATTORNEY REVOKED AND/OR APPOINTED	

Dec. 05, 2008	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Sep. 27, 2006	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Aug. 14, 2006	CASE FILE IN TICRS	
Jun. 29, 2006	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	71378
Jun. 29, 2006	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Jun. 22, 2006	ASSIGNED TO PARALEGAL	71378
Apr. 01, 2006	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
Apr. 01, 2006	TEAS SECTION 8 & 9 RECEIVED	
Dec. 17, 2003	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Feb. 16, 2002	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	
Dec. 06, 2001	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Apr. 09, 1996	REGISTERED-PRINCIPAL REGISTER	
Jan. 16, 1996	PUBLISHED FOR OPPOSITION	
Dec. 15, 1995	NOTICE OF PUBLICATION	
Sep. 30, 1995	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 30, 1995	USE AMENDMENT ACCEPTED	
Sep. 29, 1995	ASSIGNED TO EXAMINER	69940
Sep. 26, 1995	AMENDMENT TO USE PROCESSING COMPLETE	
Aug. 14, 1995	USE AMENDMENT FILED	

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Apr. 09, 2006

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: SCANNING ON DEMAND

Date in Location: Aug. 14,

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Mark: INVISIBLE GATE

No Image exists for this case.

US Serial Number: 75688567

Application Filing Date: Apr. 21, 2011

US Registration Number: 2472142

Registration Date: Jul. 24, 2011

Register: Principal

Mark Type: Trademark

Status: The registration has been renewed.

Status Date: Jun. 14, 2011

Publication Date: Dec. 28, 1999

Notice of Allowance Date: Mar. 21, 2011

Mark Information

Mark Literal Elements: INVISIBLE GATE

Standard Character Claim: No

Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

Related Properties Information

Claimed Ownership of US Registrations: [1371021](#), [1600470](#), [1657246](#), [1687015](#), [1695218](#), [1765230](#), [1849121](#), [1966900](#), [2007757](#), [208](#)

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks *.* identify additional (new) wording in the goods/services.

For: electrical transmitters

International Class(es): 009 - Primary Class

U.S Class(es): 021, 023

Class Status: ACTIVE

Basis: 1(a)

First Use: Jun. 09, 1999

Use in Commerce: Jun. 09,

Basis Information (Case Level)

Filed Use: No

Currently Use: Yes

Filed ITU: Yes

Currently ITU: No

Filed 44D: No

Currently 44D: No

Filed 44E: No

Currently 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: Invisible Fence, Inc.

Owner Address: 10427 Petsafe Way
Knoxville, TENNESSEE 37932
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWA/

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Jacob G. Horton

Correspondent

Correspondent Name/Address: Jacob G. Horton
Pitts and Brittian, P.C.
P. O. Box 51295
Knoxville, TENNESSEE 37950-1295
UNITED STATES

Phone: 865-584-0105

Fax: 865-584-

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jan. 09, 2013	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	

Nov. 21, 2012	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Jun. 14, 2011	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	77315
Jun. 14, 2011	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Jun. 10, 2011	TEAS SECTION 8 & 9 RECEIVED	
Dec. 05, 2008	ATTORNEY REVOKED AND/OR APPOINTED	
Dec. 05, 2008	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Jan. 22, 2008	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	77315
Jan. 22, 2008	ASSIGNED TO PARALEGAL	77315
Jan. 16, 2008	TEAS SECTION 8 & 15 RECEIVED	
Jan. 16, 2008	ATTORNEY REVOKED AND/OR APPOINTED	
Jan. 16, 2008	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Feb. 23, 2007	CASE FILE IN TICRS	
Sep. 27, 2006	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Dec. 17, 2003	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jul. 24, 2001	REGISTERED-PRINCIPAL REGISTER	
Oct. 12, 2000	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Oct. 03, 2000	ASSIGNED TO EXAMINER	69923
Sep. 26, 2000	STATEMENT OF USE PROCESSING COMPLETE	
Jul. 12, 2000	USE AMENDMENT FILED	
Mar. 21, 2000	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Dec. 28, 1999	PUBLISHED FOR OPPOSITION	
Nov. 26, 1999	NOTICE OF PUBLICATION	
Sep. 28, 1999	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 27, 1999	ASSIGNED TO EXAMINER	69923

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Jul. 24, 2011

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: Not Found

Date in Location: Jun. 14, :

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EXHIBIT B

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In The News

Read the latest on what's happening at Invisible Fence® Brand!

More Happy Tails

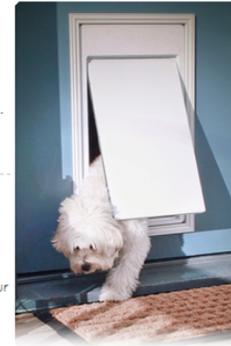
Of all the consumer products I have purchased, the Invisible Fence® Brand system is the only one that far exceeded my expectations, not only in the performance of containing my dogs, but also in the service of the local dealer.

— Mike
Asheboro, NC

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Freedom for You and Your Pets with Doorman™ Access Solutions.

The Invisible Fence® Brand Doorman™ is our programmable wireless electronic pet door that gives your dogs and cats the freedom to safely exit and enter your home. [View an interactive graphic to learn more.](#)



How it Works:

Our Doorman™ works seamlessly with your pet's Invisible Fence® Brand Computer Collar®. When your dog or cat approaches the door, it automatically unlocks, allowing them to come and go. No more having to open and close doors to let your pets in or out. No more scratched doors or chewed furniture due to anxiety.

Highlights:

- **Construction Quality** - Professional-grade construction ensuring durability, superior insulation, and a perfect fit.
- **Aesthetics** - Designed to attractively and seamlessly blend into your home environment.
- **Installation** - Since pet door installation requires great precision, you can relax knowing our expertly-trained professionals get it done right. Guaranteed.
- **Insulation** - Doorman™ stands up to Mother Nature with rigorously-tested, superior insulation.
- **Security** - Specific security features and automatic locking ensure no unwanted visitors.
- **Multiple Pets** - Doorman™ lets you set different times of day for different pets, or even set access to only certain pets.
- **Works with Invisible Fence® Brand Computer Collar®** - Integrates instantly with your pet's Computer Collar® from our yard system.



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