

ESTTA Tracking number: **ESTTA664631**

Filing date: **04/02/2015**

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

Proceeding	91218603
Party	Plaintiff Zeuter Inc.
Correspondence Address	NICK SLATER ZEUTER INC BOX 387 ZEPHYR COVE, NV 89448 UNITED STATES nick@zeuter.com
Submission	Other Motions/Papers
Filer's Name	Nick Slater, Zeuter Inc.
Filer's e-mail	nick@zeuter.com
Signature	/NJS/
Date	04/02/2015
Attachments	zeuterin.pdf(23503 bytes)

DATE: April 2nd, 2015

TO: Trademark Trial and Appeal Board (TTAB)

CC: Grace Fishel, Attorney

FROM: Nick Slater, Zeuter Inc.

REF: Opposition Number 91218603

I am in receipt of your letter of March 4th, 2015 which was forwarded to me today by email by Grace Fishel, attorney for the now twice-abandoned Zeuterin Trademark Application. It states that "Applicant's motion (filed January 29, 2015) for relief from judgment under Fed. R. Civ. P. 60(b) is granted as conceded." Certainly, I have never conceded this as I was unaware that the matter was anything but decided as of January 12th, 2015. Since that time I have been travelling both in the United States and Canada. I have received other mail addressed to Zeuter Inc. at my address of record but nothing from TTAB indicating any requirement from me.

Your Interlocutory Attorney Andrew P Baxley told me by phone today that I should provide this Request for Reconsideration and that the deadline for the Discovery Conference was Monday not tomorrow. He stated that the Applicant had one year to ask for the decision to be reviewed, but certainly there must be some process of notification to the Opponent.

As such, I ask for more time to review the matter at hand. Three months seems fair. Failing that, I shall provide some basis for rejecting the Applicant's request for relief without limitation below.

1) My name is Nick Slater. I "invented" the name "Zeuter" back in 1982 for a business I had in college and I have maintained that name ever

since. I incorporated under the name of Zeuter Development Corporation in Canada in 1993 and under the name Zeuter Inc. in Nevada in 2009. As such, I have standing to represent my company and defend my Intellectual Property, namely, the proper name of my business and associated domain names, email addresses and signage which attest to that.

2) The Applicant's own online materials refer to the chemical neutering process as "zeutering", not "zeuterining" as you might expect. They claim the term "zeuter" means "zinc neutering", therefore the Applicant is not being forthright when they claim the applied for mark is ZEUTERIN not ZEUTER. They actively use the term, ZEUTER, which is my Intellectual Property, in their marketing and promotional information online now and have done so for for years despite my protestations.

3) The Applicant claims not to have received mail which was sent the same time as the mail to TTAB which was received successfully without delay. Moreover TTAB posted the letter of opposition and made this fact known to the Applicant before the decision was made to deny the Application.

4) I note further that this is the second kick at the can since a previous Application for ZEUTERIN by the same firm and attorney was also abandoned. Whether this is due to disorganization or other inability of the firm and/or the attorney is unclear, but certainly TTAB need not bend over backwards to help those who try to game the system repeatedly.

Please accept this objection to any reopening of the Application for the Trademark for "ZEUTERIN". That matter has already been settled

in a fair and
equitable way. The Applicant has no right to defame my company
by opening
the way to ridicule of my long standing sales and marketing
efforts
under the name Zeuter.

Nick Slater
Zeuter, Inc.
Box 387, Zephyr Cove, NV 89448