

TTAB

7-10-08

Sent Certified U.S. Mail in Duplicate

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

In the matter of Registration of 2,507,831- Calcicremes

Re: Mark: CALCICREMES

75800 386

Walgreen Co. vs. Osteon Inc.

United States Patent and Trademark Office
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, Virginia 22313-1451

Response to Petition for Cancellation

Dear Commissioner:

Osteon Inc., a corporation duly organized and existing under the laws of Delaware, hereby respectfully responds to Walgreen Co, the Petitioner, regarding Petition for Cancellation of registered mark "Calcicremes". A copy of our response has been sent to the Petitioner at the address below.

Response to Petition for Cancellation:

1. With regard to Petition for Cancellation, Paragraph 1, we express concern, just as the Trademark office has, regarding the stated intent of the Petitioner to use a proposed mark CALCIUM CREAMIES for calcium supplements, which would clearly cause confusion in the market place and result in damage to our company.



07-14-2008

2. Paragraphs 2, assuming that the Petitioner has been denied an attempt to register a proposed mark, "CALCIUM CREMIES", we completely agree with the Trademark office, that allowing this registration would be inappropriate, and would in fact result in damage to Osteon Inc., should such a similar registration be allowed to occur, as we have indicated above.
3. Paragraph 3, Osteon Inc. continues to use and market this product using this mark as registered. A copy of our current promotional website for this product at our dedicated website, calcicremes.com, as well as calcicreams.com, is attached as Exhibit A. Further, please note we have also registered and use the dedicated website, <http://calcicremes.com/>, which is evidence of the overlap and similarity between our mark, and the proposed mark, calcium creamies, which not only sounds similar, but in fact, uses similar spelling, as indicated by our having registered this additional domain name, "calcicreams.com", which we have had to use making both products available, to deal with the very confusion due to the similarity of the names, "calcicremes" and "calcicreams", which the Petitioner would now create, if they are successful in registering their proposed mark.
4. Paragraph 4, we are particularly concerned with the Petitioner's claim that THEY will be damaged by our rightful protection of intellectual property, when in fact it would be the respondent that will be the party damaged by allowance of registration of Petitioner's mark. Further, it is with great concern that more than 10 years after our intellectual property creation, that the Petitioners actions give the appearance that they are using the Trademark office to takeover our creation, which we have rightfully protected for many years, rather than creating a new idea or working with our company to bring this product to their retail stores, which is what they are generally known for, as they do with many other products, as

opposed to using the trademark office to take over our product and creation, as opposed to negotiating a business agreement with the creator of this product. Further, we are even more concerned that there is also the appearance that this extremely powerful corporation compared to our extremely small company, is using the trademark office to crush us to avoid any possible competition or costs, as opposed to going through normal business channels.

In summary, Osteon Inc. responds, and states that the discontinuation of our mark, Calcicremes, is inconsistent with our rights, and will result in damage to our company, as outlined, but not limited to, the comments made above. Accordingly, we respectfully request that this Petition to Cancel is denied and pray you find in favor of the Registrant, Osteon Inc.

Respectfully submitted,



Steven M. Reznick
President, Osteon Inc.

Please address all future correspondence to the address below
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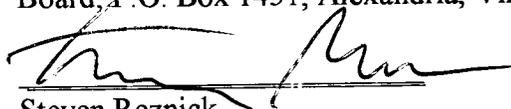
Certificate of Service

I hereby certify that a true copy of the foregoing Response to Petition to Cancel was served on counsel for Petitioner, this 10th day of July, 2008, by sending same via First Class mail, postage prepaid, to the following:

Walgreen Co. Law Department
Attn: Cary M. Pumphrey
Attorney, Intellectual property
104 Wilmot Road, MS #1425
Deerfield, IL 60015

Certificate of Mailing

I hereby certify that the foregoing was sent certified mail with the US Postal Service in an envelope addressed to United States Patent and Trademark Office; Trademark Trial and Appeal Board; P.O. Box 1451; Alexandria, Virginia 22313-1451 on this 10th day of July, 2008.



Steven Reznick
President, Osteon Inc.

Exhibit A

<http://calcicremes.com/>



Calcicremes are now available. Please contact us at mail@osteon.com for more information. Calcicremes is a registered Trademark of Osteon Inc.