

Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	87622839
LAW OFFICE ASSIGNED	LAW OFFICE 105
MARK SECTION	
MARK	https://tmng-al.uspto.gov/resting2/api/img/87622839/large
LITERAL ELEMENT	MERIDIAN
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font style, size or color.
ARGUMENT(S)	
Please see the actual argument text attached within the Evidence section.	
EVIDENCE SECTION	
EVIDENCE FILE NAME(S)	
ORIGINAL PDF FILE	evi_389822016-20190122221931820348 . MERIDIAN Request for Reconsideration 22Jan2019.pdf
CONVERTED PDF FILE(S) (18 pages)	\\TICRS\EXPORT17\IMAGEOUT17\876\228\87622839\xml10\RFR0002.JPG
	\\TICRS\EXPORT17\IMAGEOUT17\876\228\87622839\xml10\RFR0003.JPG
	\\TICRS\EXPORT17\IMAGEOUT17\876\228\87622839\xml10\RFR0004.JPG
	\\TICRS\EXPORT17\IMAGEOUT17\876\228\87622839\xml10\RFR0005.JPG
	\\TICRS\EXPORT17\IMAGEOUT17\876\228\87622839\xml10\RFR0006.JPG
	\\TICRS\EXPORT17\IMAGEOUT17\876\228\87622839\xml10\RFR0007.JPG
	\\TICRS\EXPORT17\IMAGEOUT17\876\228\87622839\xml10\RFR0008.JPG
	\\TICRS\EXPORT17\IMAGEOUT17\876\228\87622839\xml10\RFR0009.JPG
	\\TICRS\EXPORT17\IMAGEOUT17\876\228\87622839\xml10\RFR0010.JPG
	\\TICRS\EXPORT17\IMAGEOUT17\876\228\87622839\xml10\RFR0011.JPG
	\\TICRS\EXPORT17\IMAGEOUT17\876\228\87622839\xml10\RFR0012.JPG
	\\TICRS\EXPORT17\IMAGEOUT17\876\228\87622839\xml10\RFR0013.JPG
	\\TICRS\EXPORT17\IMAGEOUT17\876\228\87622839\xml10\RFR0014.JPG
	\\TICRS\EXPORT17\IMAGEOUT17\876\228\87622839\xml10\RFR0015.JPG
	\\TICRS\EXPORT17\IMAGEOUT17\876\228\87622839\xml10\RFR0016.JPG
	\\TICRS\EXPORT17\IMAGEOUT17\876\228\87622839\xml10\RFR0017.JPG
	\\TICRS\EXPORT17\IMAGEOUT17\876\228\87622839\xml10\RFR0018.JPG

	\\TICRS\EXPORT17\IMAGEOUT17\876\228\87622839\xml10\RFR0019.JPG
ORIGINAL PDF FILE	evi_389822016-20190122221931820348 . MERIDIAN - Exhibits A B C.pdf
CONVERTED PDF FILE(S) (43 pages)	\\TICRS\EXPORT17\IMAGEOUT17\876\228\87622839\xml10\RFR0020.JPG
	\\TICRS\EXPORT17\IMAGEOUT17\876\228\87622839\xml10\RFR0021.JPG
	\\TICRS\EXPORT17\IMAGEOUT17\876\228\87622839\xml10\RFR0022.JPG
	\\TICRS\EXPORT17\IMAGEOUT17\876\228\87622839\xml10\RFR0023.JPG
	\\TICRS\EXPORT17\IMAGEOUT17\876\228\87622839\xml10\RFR0024.JPG
	\\TICRS\EXPORT17\IMAGEOUT17\876\228\87622839\xml10\RFR0025.JPG
	\\TICRS\EXPORT17\IMAGEOUT17\876\228\87622839\xml10\RFR0026.JPG
	\\TICRS\EXPORT17\IMAGEOUT17\876\228\87622839\xml10\RFR0027.JPG
	\\TICRS\EXPORT17\IMAGEOUT17\876\228\87622839\xml10\RFR0028.JPG
	\\TICRS\EXPORT17\IMAGEOUT17\876\228\87622839\xml10\RFR0029.JPG
	\\TICRS\EXPORT17\IMAGEOUT17\876\228\87622839\xml10\RFR0030.JPG
	\\TICRS\EXPORT17\IMAGEOUT17\876\228\87622839\xml10\RFR0031.JPG
	\\TICRS\EXPORT17\IMAGEOUT17\876\228\87622839\xml10\RFR0032.JPG
	\\TICRS\EXPORT17\IMAGEOUT17\876\228\87622839\xml10\RFR0033.JPG
	\\TICRS\EXPORT17\IMAGEOUT17\876\228\87622839\xml10\RFR0034.JPG
	\\TICRS\EXPORT17\IMAGEOUT17\876\228\87622839\xml10\RFR0035.JPG
	\\TICRS\EXPORT17\IMAGEOUT17\876\228\87622839\xml10\RFR0036.JPG
	\\TICRS\EXPORT17\IMAGEOUT17\876\228\87622839\xml10\RFR0037.JPG
	\\TICRS\EXPORT17\IMAGEOUT17\876\228\87622839\xml10\RFR0038.JPG
	\\TICRS\EXPORT17\IMAGEOUT17\876\228\87622839\xml10\RFR0039.JPG
	\\TICRS\EXPORT17\IMAGEOUT17\876\228\87622839\xml10\RFR0040.JPG
	\\TICRS\EXPORT17\IMAGEOUT17\876\228\87622839\xml10\RFR0041.JPG
	\\TICRS\EXPORT17\IMAGEOUT17\876\228\87622839\xml10\RFR0042.JPG
	\\TICRS\EXPORT17\IMAGEOUT17\876\228\87622839\xml10\RFR0043.JPG
	\\TICRS\EXPORT17\IMAGEOUT17\876\228\87622839\xml10\RFR0044.JPG
	\\TICRS\EXPORT17\IMAGEOUT17\876\228\87622839\xml10\RFR0045.JPG
	\\TICRS\EXPORT17\IMAGEOUT17\876\228\87622839\xml10\RFR0046.JPG
	\\TICRS\EXPORT17\IMAGEOUT17\876\228\87622839\xml10\RFR0047.JPG
	\\TICRS\EXPORT17\IMAGEOUT17\876\228\87622839\xml10\RFR0048.JPG
	\\TICRS\EXPORT17\IMAGEOUT17\876\228\87622839\xml10\RFR0049.JPG
	\\TICRS\EXPORT17\IMAGEOUT17\876\228\87622839\xml10\RFR0050.JPG
	\\TICRS\EXPORT17\IMAGEOUT17\876\228\87622839\xml10\RFR0051.JPG
	\\TICRS\EXPORT17\IMAGEOUT17\876\228\87622839\xml10\RFR0052.JPG
	\\TICRS\EXPORT17\IMAGEOUT17\876\228\87622839\xml10\RFR0053.JPG

	\\TICRS\EXPORT17\IMAGEOUT17\876\228\87622839\xml10\RFR0054.JPG
	\\TICRS\EXPORT17\IMAGEOUT17\876\228\87622839\xml10\RFR0055.JPG
	\\TICRS\EXPORT17\IMAGEOUT17\876\228\87622839\xml10\RFR0056.JPG
	\\TICRS\EXPORT17\IMAGEOUT17\876\228\87622839\xml10\RFR0057.JPG
	\\TICRS\EXPORT17\IMAGEOUT17\876\228\87622839\xml10\RFR0058.JPG
	\\TICRS\EXPORT17\IMAGEOUT17\876\228\87622839\xml10\RFR0059.JPG
	\\TICRS\EXPORT17\IMAGEOUT17\876\228\87622839\xml10\RFR0060.JPG
	\\TICRS\EXPORT17\IMAGEOUT17\876\228\87622839\xml10\RFR0061.JPG
	\\TICRS\EXPORT17\IMAGEOUT17\876\228\87622839\xml10\RFR0062.JPG
DESCRIPTION OF EVIDENCE FILE	printouts of results of searches on the Trademark Office's Trademark Electronic Search System (TESS) (with search parameters); Registrant's Response to Suspension Inquiry dated April 29, 2011; printouts of articles from PetCareRx.com and CBC News online
SIGNATURE SECTION	
RESPONSE SIGNATURE	/Timothy D. Pecsénye/
SIGNATORY'S NAME	Timothy D. Pecsénye
SIGNATORY'S POSITION	Attorney of Record, PA Bar Member
SIGNATORY'S PHONE NUMBER	215-569-5619
DATE SIGNED	01/22/2019
AUTHORIZED SIGNATORY	YES
CONCURRENT APPEAL NOTICE FILED	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Tue Jan 22 22:26:29 EST 2019
TEAS STAMP	USPTO/RFR-XX.XX.XXX.XX-20 190122222629129677-876228 39-62059f5fe14e4caab19d89 3539554a186eb6debe9e6c664 2f84f48ec9ceec64bd5-N/A-N /A-20190122221931820348

Under the Paperwork Reduction Act of 1995 no persons are required to respond to a collection of information unless it displays a valid OMB control number.
PTO Form 1960 (Rev 10/2011)
OMB No. 0651-0050 (Exp 09/20/2020)

Request for Reconsideration after Final Action

To the Commissioner for Trademarks:

Application serial no. **87622839** MERIDIAN(Standard Characters, see <https://tmng-al.uspto.gov/resting2/api/img/87622839/large>) has been amended as follows:

ARGUMENT(S)

In response to the substantive refusal(s), please note the following:

Please see the actual argument text attached within the Evidence section.

EVIDENCE

Evidence in the nature of printouts of results of searches on the Trademark Office's Trademark Electronic Search System (TESS) (with search parameters); Registrant's Response to Suspension Inquiry dated April 29, 2011; printouts of articles from PetCareRx.com and CBC News online has been attached.

Original PDF file:

[evi_389822016-20190122221931820348_.MERIDIAN_Request_for_Reconsideration_22Jan2019.pdf](#)

Converted PDF file(s) (18 pages)

[Evidence-1](#)

[Evidence-2](#)

[Evidence-3](#)

[Evidence-4](#)

[Evidence-5](#)

[Evidence-6](#)

[Evidence-7](#)

[Evidence-8](#)

[Evidence-9](#)

[Evidence-10](#)

[Evidence-11](#)

[Evidence-12](#)

[Evidence-13](#)

[Evidence-14](#)

[Evidence-15](#)

[Evidence-16](#)

[Evidence-17](#)

[Evidence-18](#)

Original PDF file:

[evi_389822016-20190122221931820348_.MERIDIAN - Exhibits A B C.pdf](#)

Converted PDF file(s) (43 pages)

[Evidence-1](#)

[Evidence-2](#)

[Evidence-3](#)

[Evidence-4](#)

[Evidence-5](#)

[Evidence-6](#)

[Evidence-7](#)

[Evidence-8](#)

[Evidence-9](#)

[Evidence-10](#)

[Evidence-11](#)

[Evidence-12](#)

[Evidence-13](#)

[Evidence-14](#)

[Evidence-15](#)

[Evidence-16](#)

[Evidence-17](#)

[Evidence-18](#)

[Evidence-19](#)

[Evidence-20](#)

[Evidence-21](#)

[Evidence-22](#)

[Evidence-23](#)

[Evidence-24](#)

[Evidence-25](#)

[Evidence-26](#)

[Evidence-27](#)

[Evidence-28](#)

[Evidence-29](#)

[Evidence-30](#)

[Evidence-31](#)

[Evidence-32](#)

[Evidence-33](#)

[Evidence-34](#)

[Evidence-35](#)

[Evidence-36](#)

[Evidence-37](#)

[Evidence-38](#)

[Evidence-39](#)

[Evidence-40](#)

[Evidence-41](#)

[Evidence-42](#)

[Evidence-43](#)

SIGNATURE(S)

Request for Reconsideration Signature

Signature: /Timothy D. Pecsénye/ Date: 01/22/2019

Signatory's Name: Timothy D. Pecsénye

Signatory's Position: Attorney of Record, PA Bar Member

Signatory's Phone Number: 215-569-5619

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the owner's/holder's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the owner/holder in this matter: (1) the owner/holder has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the owner/holder has filed a power of attorney appointing him/her in this matter; or (4) the owner's/holder's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

The applicant is filing a Notice of Appeal in conjunction with this Request for Reconsideration.

Serial Number: 87622839

Internet Transmission Date: Tue Jan 22 22:26:29 EST 2019

TEAS Stamp: USPTO/RFR-XX.XX.XXX.XX-20190122222629129

677-87622839-62059f5fe14e4caab19d8935395

54a186eb6debe9e6c6642f84f48ec9ceec64bd5-

N/A-N/A-20190122221931820348

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE


APPLICANT: Nunn Milling Company, Inc.
SERIAL NO.: 87/622,839
MARK: MERIDIAN
FILING DATE: September 26, 2017
INT'L CLASS: 31
TO: Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451
ATTN: Robert N. Guliano, Esq.
Trademark Examining Attorney
Law Office 105

REQUEST FOR RECONSIDERATION

In an Office Action mailed July 19, 2018, the Examining Attorney maintained and made final his refusal to register Applicant's mark MERIDIAN pursuant to Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d). Applicant hereby submits the following response in further support of registration.

I. NO LIKELIHOOD OF CONFUSION

In the Office Action, the Examining Attorney refused registration of Applicant's mark MERIDIAN for "pet food" [Intl. Class 31] on the ground that the mark is allegedly confusingly

similar to the mark  registered under U.S. Registration No. 4,038,786 for "veterinary health care preparations for animals, namely, liquid bandage for dressings

for use on pets; nutritional and dietary supplements for animals, namely, nutritional supplements for pets to prevent or treat dry skin, hot spots, sores, rashes, worms and other parasites, joint pain, and arthritis; medicated preparations for relief of skin irritations in pets, namely, dogs, cats and other companion animals; medicated inflammation relief preparations for animals, namely, dogs, cats and other companion animals; ear miticides for pets for domestic use; anthelcides, namely, anthelmintics for pets; medicated grooming preparations for cats, namely, cat hairball remedy; veterinary medicated grooming preparations for pets, namely, antimicrobial medicated shampoo; medicated breath deodorizers for pets; veterinary medicated preparations for pets, namely, dogs, cats and other companion animals for use in the treatment of acute moist dermatitis; insect repellent and insecticide for use on animals; flea and tick control products, namely, antiparasitic collars, sprays, shampoos, powders, and medicated veterinary shampoos for puppies; veterinary medicated powders, and veterinary medicated topical ointments for pets; flea and tick control aerosol foggers for premise applications; carpet insecticides and fresheners; pet odor neutralizer for use on carpets and upholstery; animal maintenance products, namely, indoor/outdoor pet repellent for use with dogs, cats and other companion animals" [Intl. Class 05] (the "Cited Mark"), owned by

Sergeant's Pet Care Products, Inc. ("Registrant"). Based on Applicant's previous arguments and evidence, the following supplemental analysis set forth herein, and the additional evidence submitted herewith, Applicant respectfully maintains its position that there is no likelihood of confusion between its mark and the Cited Mark and reiterates its request that the subject refusal be withdrawn and that Applicant's mark be approved for publication.

A. Applicant's Goods and the Cited Mark's Goods Are Unrelated.

Contrary to the Examining Attorney's position, Applicant reiterates that no likelihood of confusion exists between Applicant's mark and the Cited Mark in view of the wholesale differences between Applicant's and Registrant's respective goods offered under such marks. See In re E.I. du Pont de Nemours & Co., 476 F.2d 1357, 177 U.S.P.Q. 563, 567 (C.C.P.A. 1973).

The record remains significantly devoid of any evidence showing that the goods at issue are related. Indeed, none of the third-party websites proffered by the Examining Attorney shows both pet food and Registrant's goods as emanating from the same source *under a single mark*. In the subject Office Action, the Examining Attorney initially references the third-party websites cited in his Office Action dated January 3, 2018. As to the

printout from <www.dinovite.com>, the Examining Attorney notably concedes that the specimen showing pet treats and nutritional supplements "did not show the same mark on the physical product packaging of both goods." Specifically, pet treats are offered under the mark NUBONUBS, whereas nutritional supplements are offered under the DINOVITE mark, and flea spray is offered under the NOMOFLEA mark. Moreover, neither of these products are "pet food." Accordingly, such evidence fails to establish relatedness between Applicant's "pet food" and any of the products for which the Cited Mark is registered.

Turning to the evidence from <www.petag.com>, the Examining Attorney argues that the house mark appears on both the pet treats as well as the pet supplements. Contrary to the Examining Attorney's position, a focus on a company's house mark is not the proper analysis where, as here, the goods are offered under clearly distinct product marks affixed to the respective products. See T.M.E.P. 1402.03(b) ("House marks do not identify the particular goods or services - rather, they identify the provider of a wide variety of goods or services, with such goods or services often themselves identified by a separate trademark or service mark."). Here, the specimen shows that pet treats are sold under such marks as CAT-SIP for cat treats and GOAT SNAX for goat treats, whereas products similar to those offered under the Registrant's mark are sold under completely distinct marks,

such as SURE GROW 100 for bone development tablets and FRESH N' CLEAN for shampoo and odor and stain eliminator products.

Similarly, the evidence proffered from <www.drharveys.com> shows that pet food is offered under such marks as CANINE HEALTH, VEG-TO-BOWL, and PARADIGM, whereas supplements are sold under such marks as HEALTH AND SHINE, RUNS DE BONE, and GOLDEN YEAR. As such, the third-party websites cited in the original Office Action fail to show that Applicant's products and Registrant's products are offered by the same entity under the same mark.

The additional third-party websites proffered by the Examining Attorney with the subject Office Action similarly fail to establish that Applicant's pet food and Registrant's supplements and health-related animal products are related. Indeed, as with the evidence discussed above, none of the Examining Attorney's additional third-party website printouts shows Applicant's goods and Registrant's goods sold under a single mark. The excerpts from <www.arknaturals.com>, <www.barfworld.com>, <www.zestypaws.com>, <www.petnaturals.com>, <www.k9power.com>, <www.naturalbalanceinc.com>, <www.oxbowanimalhealth.com>, and <www.digginyourdog.com> simply cannot show relatedness between pet food and *any product*, as they fail to show that any of these companies offer pet food. The excerpts from <www.arknaturals.com>, <www.barfworld.com>,

www.zestypaws.com>, and <www.petnaturals.com> merely show that the companies sell pet supplements and/or grooming products, while the excerpts from <www.k9power.com>, <www.naturalbalanceinc.com>¹, <www.oxbowanimalhealth.com>, and <www.digginyourdog.com> show that the companies merely sell pet **treats** and/or pet supplements. Moreover, none of the pet treats are offered under the same mark as the supplements. As for <www.k9power.com>, the pet treats are offered under the mark CARNIVORE COOKIES, whereas the pet supplement is offered under the mark JOINT STRONG. As for <www.oxbowanimalhealth.com>, the pet treats are offered under the marks SIMPLE REWARDS and ORGANIC BARLEY BISCUITS, whereas the pet supplements are offered under the NATURAL SCIENCE mark. Finally, as to <www.digginyourdog.com>, the pet treats are offered under the marks CHARKI PUFFS and CHARKI O's HIP & JOINT, whereas the pet supplement is offered under the mark FIRM UP!

Similarly, the proffered excerpts from <www.bluebuffalo.com> and <www.hillspet.com> merely show that the companies sell pet food; there is no indication whatsoever that <www.bluebuffalo.com> or <www.hillspet.com> sell any of Registrant's products, let alone under the same marks. Given that none of the foregoing excerpts include both the Applicant's

¹ In fact, the only excerpt from <www.naturalbalanceinc.com> only shows dog treats. As such, there was no comparison to make with respect to the marks used by the company.

goods and the Registrant's goods, this evidence wholly fails to demonstrate that Applicant's "pet food" and the goods for which the Cited Mark is registered are related. Furthermore, the printout from <www.thehonestkitchen.com> fails to show any products whatsoever. Without any such products, this excerpt fails to be relevant to the issue at hand.

Finally, none of the proffered excerpts from <www.annamaet.com>, <shop.pawtree.com>, <www.k9natural.com>, <www.shop.bullymax.com>, <www.wysong.com>, <www.purinamills.com>, and <www.petwellbeing.com> show pet food and Registrant's products offered under a single mark. The <www.annamaet.com> printout shows a pet supplement offered under the mark ENDURE and pet food offered under the mark EXTRA. The <shop.pawtree.com> printout shows pet supplements offered under the marks JOINT SUPPORT PLUS FOR DOGS, SKIN SUPPORT PLUS, and BLADDER SUPPORT PLUS, whereas pet food is offered under the mark FIDO'S FOOD. The <www.k9natural.com> printout shows pet supplements offered under the mark BOOSTER and pet food offered under the marks BEEF FEAST, LAMB FEAST, and CHICKEN FEAST. The <www.shop.bullymax.com> printout shows a pet supplement offered under the GORILLA MAX mark, whereas pet food is offered under the HIGH PERFORMANCE mark. The <www.wysong.com> printout shows a pet supplement offered under the WILD THINGS mark and pet food offered under the ADULT mark. The <www.purinamills.com> printout

shows a pet supplement offered under the mark HIGH OCTANE SHOWPIG PAYLEAN, whereas pet food is offered under the RABBIT CHOW COMPLETE WHOLESOME ADVANTEDGE mark. Lastly, the <www.petwellbeing.com> printout shows pet supplements offered under the marks AGILE JOINTS and AGILE JOINTS PLUS and pet food offered under the mark PREMIUM HOLISTIC FORMULA.

As the foregoing makes exceedingly clear, Applicant's pet food and the products in connection with which the Cited Mark is registered are rarely, if ever, offered by the same entity under the same mark. Moreover, the mere fact that a retailer may sell both pet food and the Registrant's goods does not compel the Examining Attorney's conclusion that such goods are related. Cf. Joel Gott Wines, LLC v. Rehoboth Von Gott, Inc., 107 U.S.P.Q.2d 1424 (T.T.A.B. 2013) ("[M]erely because goods can both be sold in a large store such as a supermarket or box store would not alone be sufficient to show that consumers would be likely to encounter both in a shopping trip, or assume a common source merely because both types of goods can be found in such a store."). Here, the entities identified in the Examining Attorney's evidence are equivalent to a Walmart or Target for pets. For instance, Pet-Ag Inc. sells products ranging from repellant sprays to pet shampoos and even wildlife feed (e.g., deer fawns). The Examining Attorney's argument would lead to the illogical conclusion that food and repellent sprays are also

related. Again, with no evidence to support the subject refusal, the refusal simply cannot be maintained.

In further support of its position, Applicant submits that an objective review of the Trademark Office's online records reveals that pet food and nutritional supplements for animals are rarely offered under the same mark. Indeed, of the 4,260 live, use-based registrations covering pet food in Class 31 and/or nutritional supplements for animals or pets in Class 05, **less than 1%** (42 total, 0.909%) include both pet food *and* nutritional supplements for animals or pets. (See printouts of results of searches on the Trademark Office's Trademark Electronic Search System (TESS) (with search parameters) submitted herewith as Exhibit A.) In light of the foregoing, consumers are simply not likely to believe that such products are related such that they originate from the same source.

Finally, whereas the vast majority of pet food is purchased in pet stores and supermarkets, Registrant's products, *by Registrant's own admission*, "are marketed and sold to veterinarians." See Registrant's Response to Suspension Inquiry dated April 29, 2011, submitted herewith as Exhibit B, at 4-5; see also id. at 7 ("Such products are sold by Sgt's to veterinarians.").

In light of the clear distinctions between pet food (Applicant's mark) and its consumers (pet owners), on the one

hand, and Registrant's nutritional supplements for pets (Cited Mark) and the relevant purchasers thereof (veterinarians), on the other, relevant consumers of the respective goods would erroneously believe that they emanate from the same source. See Harvey Hubbell Inc. v. Tokyo Seimitsu Co., 188 U.S.P.Q. 517, 520 (T.T.A.B. 1975) ("In determining whether products are identical or similar, the inquiry should be whether they appeal to the same market."). The simple fact remains that Applicant's and Registrant's goods are completely distinct, they serve discrete purposes, they are neither competitive nor complimentary, they are purchased by entirely disparate classes of consumers, and they have nothing in common with respect to their sales appeal. Given such stark distinctions, there simply can be no possibility - let alone likelihood - of confusion among relevant consumers. This factor in the likelihood of confusion analysis therefore weighs decidedly in Applicant's favor.

**B. Respective Trade Channels Are Mutually Exclusive;
No Market Interface Between Registrant's and
Applicant's Goods**

Moreover, consumer confusion is exceedingly unlikely in light of the discrete channels of trade in which Applicant's and Registrant's respective goods travel and the lack of market interface between such products. As explained in the Trademark Manual of Examining Procedure, "if the goods or services in

question are not related or marketed in such a way that they would be encountered by the same persons in situations that would create the incorrect assumption that they originate from the same source, then, *even if the marks are identical*, confusion is not likely." T.M.E.P. § 1207.01(a)(i) (emphasis added).

Applicant and Registrant of the Cited Mark occupy and operate in discrete market sectors, and Applicant's goods and the goods offered under the Cited Mark travel in decidedly separate and discrete channels of trade. Indeed, whereas Applicant's pet food is purchased by pet owners at pet stores and supermarkets, Registrant's products, *by Registrant's own admission*, "are marketed and sold to veterinarians," (see Exhibit B), thus wholly undermining the Examining Attorney's contention that Applicant's goods and Registrant's goods travel in overlapping channels of trade. Again, with no evidence to support the subject refusal, the refusal cannot be maintained.

In short, the trade channels in which Applicant's pet food and the ingredients for animal feed for which the Cited Mark is registered are entirely distinct, and such products simply do not compete. Indeed, consumer confusion is extraordinarily unlikely, as the circumstances under which a consumer would encounter both Applicant's pet food and Registrant's products offered under the Cited Mark are exceedingly rare, if they exist

at all. Any possibility, much less likelihood, of confusion among relevant consumers is obviated by virtue of the lack of market interface between Applicant's goods and the products in the Cited Mark in their respective and entirely discrete channels of trade. This factor in the likelihood of confusion analysis thus similarly weighs decidedly in Applicant's favor.

C. Relevant Consumers are Sophisticated.

No likelihood of confusion exists between Applicant's mark and the Cited Mark in view of the sophistication of relevant consumers and the nature of their purchasing practices with respect to Applicant's products. See In re E.I. du Pont, 177 U.S.P.Q. at 567. Indeed, the sophistication of Applicant's consumers is so great that the purchasing of such goods under Applicant's mark and the Cited Mark would be exceedingly unlikely to generate consumer confusion.

As discussed supra, Registrant's products, by Registrant's own admission, are marketed and sold by Registrant to veterinarians. See Exhibit B. Such individuals are not casual consumers and do not make purchasing decisions hastily; rather, they are exceptionally discriminatory and exercise a high degree of care in identifying **safe, reliable, and effective** products prior to purchasing such items. See, e.g., Sora Wondra, How to Avoid Insecticide Poisoning in Dogs and Cats, PetCareRx,

<https://www.petcarerx.com/article/how-to-avoid-insecticide-poisoning-in-dogs-and-cats/1652> (Feb. 5, 2018) (“[I]nsecticides used in homes, gardens, parks, and even spot-on flea treatments can easily poison your pet if not used carefully”); Griffith-Greene, Megan, Cat and Dog Flea Treatments can be Toxic to Pets, Humans, CBC News, <https://www.cbc.ca/news/health/cat-and-dog-flea-treatments-can-be-toxic-to-pets-humans-1.2860665>, (Dec. 5, 2014) (“[M]ore than 2,000 animals are reported to have died in North America since 2008 as a result of exposure to flea and tick treatment products, which can contain dangerous chemicals that kill fleas but can also harm pets.”), submitted herewith as Exhibit C. Given the harmful and even fatal risks associated with such products, relevant purchasers must exercise extraordinary care in selecting appropriate products.

Indeed, it is exceedingly unlikely that *any* consumers – much less discriminating veterinarians – would confuse the Cited Mark with Applicant’s mark and the respective goods sold thereunder. Consequently, consideration of the relevant sophisticated consumers weighs decidedly against a finding of likelihood of confusion.


D. The Appearances, Sounds, Connotations, & Commercial Impressions of the Marks Are Different.

Contrary to the Examining Attorney’s position, Applicant emphatically reiterates that, under the appropriate standard set


forth in its Response to Office Action submitted June 29, 2018, and as further explained herein, the distinctions between Applicant's mark and the Cited Mark when properly viewed in their entireties with respect to appearance, sound, and overall commercial impression make clear that a finding of likelihood of confusion cannot stand.

Initially, the Examining Attorney's position that the marks are confusingly similar based on the mere fact that they both contain the word "MERIDIAN" reveals that, in analyzing the subject mark, the Examining Attorney failed to view Applicant's mark and the Cited Mark in their entireties. See Franklin Mint Corp. v. Master Mfg. Co., 667 F.2d 1005, 1007, 212 U.S.P.Q. 233, 234 (C.C.P.A. 1981) ("It is axiomatic that a mark should not be dissected and considered piecemeal; rather, it must be considered as a whole in determining likelihood of confusion.").

Although both marks do indeed share the word "MERIDIAN," the overall commercial impressions generated by Applicant's mark

MERIDIAN and the Cited Mark , when properly viewed in their entireties, are wholly distinct from one another. As to appearance, the *vast majority* of the literal, stylistic, and design elements of Registrant's mark are entirely absent from Applicant's mark. First, Registrant's mark includes a stylized



depiction of a globe (), which dominates in size over *all of the words* in the mark and is entirely absent from Applicant's mark. Moreover, Registrant's mark includes the words "ANIMAL" and "HEALTH," both of which are also entirely absent from Applicant's mark. In stark contrast, Applicant's mark is comprised solely of the word "MERIDIAN." Significantly, the design, stylistic, and literal elements of Registrant's mark creates an entirely distinct appearance from that of Applicant's "MERIDIAN" mark. As in the instant case, where Registrant's mark contains words and a design not present in Applicant's mark, the marks are in fact not confusingly similar. See T.M.E.P.

§ 1207.01(b)(iii) ("Additions or deletions to marks may be sufficient to avoid a likelihood of confusion if: (1) the marks in their entirety convey significantly different commercial impressions. . . .").

Furthermore, any similarity between the appearances of the word portions of Applicant's mark and the Cited Mark is vastly overshadowed by the entirely different sound generated from each of the marks. It is well established that sound is a vital factor in the likelihood of confusion analysis. Celanese Corp. v. E. I. du Pont de Nemours & Co., 154 F.2d 143, 145, 69 U.S.P.Q. 69, 71-72 (C.C.P.A. 1946); Colgate-Palmolive Co., 432 F.2d at 1402, 167 U.S.P.Q. at 530; AMF Inc. v. Sleekcraft

Boats, 599 F.2d 341, 351-52, 204 U.S.P.Q. 808, 817 (9th Cir. 1979). To begin, Applicant's mark is comprised of *eight letters and four syllables*, as compared to the *twenty letters and eight syllables* in the Cited Mark. It follows logically that "MERIDIAN" sounds entirely different from "MERIDIAN ANIMAL HEALTH." Consequently, the marks are unquestionably aurally distinct. These visual and aural differences alone render Applicant's mark and the Cited Mark, when properly viewed in their entirety, easily recognizable and distinguishable from one another, thus obviating any possibility of confusion between the marks.

In sum, there is no doubt that the marks, when properly viewed in their entirety, contain more than recognizable differences sufficient to create significantly distinct commercial impressions, thereby rendering Applicant's mark easily distinguishable from the Cited Mark and obviating any possibility - let alone likelihood - of confusion between the marks. Indeed, any similarity between Applicant's mark and the Cited Mark is vastly overshadowed by their appreciable differences in appearance, sound, meaning, and overall commercial impression, thus reinforcing the conclusion that the marks are not likely to be confused in the minds of relevant consumers. This factor in the likelihood of confusion analysis, together with the fact that the goods at issue are wholly

unrelated, therefore weighs decidedly in Applicant's favor. Accordingly, Applicant respectfully reiterates its request that the Examining Attorney withdraw the preliminary refusal and pass Applicant's mark on to publication.

E. The Extent of Potential Confusion is De Minimis.

Finally, as underscored in Applicant's Response to Office Action submitted June 29, 2018, Applicant reiterates that, where the scope and extent of any potential confusion is *de minimis*, as opposed to substantial, there can be no support for a refusal pursuant to Section 2(d) of the Lanham Act. See In re E.I. du Pont, 177 U.S.P.Q. at 567. Applicant respectfully submits that where, as here, Applicant's goods and the goods for which the Cited Mark is registered are entirely unrelated and serve entirely different classes of consumers, the channels of trade are mutually exclusive, relevant consumers are sophisticated, and the marks are distinct, there can be little doubt that any potential confusion is *de minimis*, much less likely. Indeed, the record remains significantly devoid of any evidence to support the Examining Attorney's allegation of likelihood of confusion as to source of Applicant's and Registrant's goods, and, as the foregoing analysis demonstrates, consumers are simply not likely to believe that Applicant's and Registrant's respective goods emanate from the same source. All of the aforementioned

distinctions between Applicant's mark and the Cited Mark necessitate a finding that the extent of potential confusion is absolutely and unequivocally *de minimis*. The mere possibility of confusion is simply too remote to justify a Section 2(d) refusal.

Accordingly, because there is no likelihood of confusion between Applicant's mark and the Cited Mark, Applicant respectfully requests that the Examining Attorney withdraw the refusal and pass Applicant's mark on to publication.

II. CONCLUSION

Whereas Applicant has satisfied the concerns of the Examining Attorney, Applicant respectfully reiterates its request that the subject refusal be withdrawn and that Applicant's mark be approved for publication.

EXHIBIT A



United States Patent and Trademark Office

[Home](#) | [Site Index](#) | [Search](#) | [FAQ](#) | [Glossary](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#) | [Help](#)
Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Tue Jan 22 05:21:02 EST 2019

[TESS HOME](#) | [NEW USER](#) | [STRUCTURED](#) | [FREE FORM](#) | [BROWSE DICT](#) | [SEARCH OG](#) | [PREV LIST](#) | [NEXT LIST](#) | [IMAGE LIST](#) | [BOTTOM](#)
[HELP](#)
 Logout Please logout when you are done to release system resources allocated for you.

Start List At: OR Jump to record: **42 Records(s) found**
(This page: 1 ~ 42)

 Refine Search

Current Search: **S9: \"005\") SAME (\"nutritional supplements\" and (animals or pets)))[GS] and `RD > \"17990000\" and live[id] and 1A[CB]** docs: 42
 occ: 713

	Serial Number	Reg. Number	Word Mark	Check Status	Live/Dead
1	87836881	5626044	ESTABLISHED 1979 EARTH ANIMAL WELLNESS & LONGEVITY SOLUTIONS	TSDR	LIVE
2	87836968	5577616	WELLNESS & LONGEVITY SOLUTIONS	TSDR	LIVE
3	87542072	5515307	HEYLOVE	TSDR	LIVE
4	87609675	5509949	TRADEKING	TSDR	LIVE
5	87408258	5487823	TECMAX	TSDR	LIVE
6	87231423	5387879	DR CHARLEY	TSDR	LIVE
7	87117983	5381599	STAY-C	TSDR	LIVE
8	87201610	5231604	ANIMAGIX SUPPLEMENTS FOR YOUR PETS	TSDR	LIVE
9	87183669	5195470	RETURN THE LOVE	TSDR	LIVE
10	86845143	5047052	BOUNTY BITES	TSDR	LIVE
11	86145853	4951799	ARK RESCUE PACK	TSDR	LIVE
12	86116390	4627480		TSDR	LIVE
13	86766708	5283453	SUNWINCN	TSDR	LIVE
14	86299014	4983856		TSDR	LIVE
15	85444825	4433047	PET PAW & FURRY PPF	TSDR	LIVE
16	85322932	4350692	DYNAMO DOG	TSDR	LIVE
17	85559281	4315870	REDDOG 1	TSDR	LIVE
18	85943290	4440295	OLD DOGS! HAPPY JOINTS!	TSDR	LIVE
19	85943283	4440294	BRAIN'S BEST FRIEND	TSDR	LIVE
20	85943278	4440293	HEART HEALTHY! WAGS PLENTY!	TSDR	LIVE

21	85873913	4482552		TSDR	LIVE
22	85472517	4902095	DOG PARK NATURALS	TSDR	LIVE
23	85097104	4195162	PAWS IN THE PIE	TSDR	LIVE
24	85812566	5041358	KENT NUTRITION GROUP	TSDR	LIVE
25	85693203	4426480	SUNWINCN	TSDR	LIVE
26	85839485	4607402	RAW FOODIE	TSDR	LIVE
27	85818338	4500391	STANDLEE	TSDR	LIVE
28	78952085	3442989	HEALTHY HERP	TSDR	LIVE
29	78436428	3057198		TSDR	LIVE
30	78061451	2730643	BARF WORLD	TSDR	LIVE
31	78061449	2730642	BARF	TSDR	LIVE
32	77976051	3541680	DOG WHISPERER	TSDR	LIVE
33	77945954	4120005	ARK NATURALS	TSDR	LIVE
34	77980169	3959388	BREATH-LESS	TSDR	LIVE
35	77906972	3831510	KENT	TSDR	LIVE
36	77080338	3390880	8IN1	TSDR	LIVE
37	77080315	3390879	8IN1	TSDR	LIVE
38	77308724	3944609	INSPIRED MOLECULAR SOLUTIONS	TSDR	LIVE
39	76336348	2789413	ALLIANCE NUTRITION	TSDR	LIVE
40	76336347	2789412	ADM ALLIANCE NUTRITION	TSDR	LIVE
41	75245176	2204928		TSDR	LIVE
42	74194038	1769044	GOLDENFEAST	TSDR	LIVE

TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSE DICT	SEARCH OG	PREV LIST	NEXT LIST	IMAGE LIST	TOP
HELP									



United States Patent and Trademark Office

[Home](#) | [Site Index](#) | [Search](#) | [FAQ](#) | [Glossary](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#) | [Help](#)
Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Tue Jan 22 05:21:02 EST 2019

[TESS HOME](#) | [NEW USER](#) | [STRUCTURED](#) | [FREE FORM](#) | [BROWSE DICT](#) | [SEARCH OG](#) | [PREV LIST](#) | [NEXT LIST](#) | [IMAGE LIST](#) | [BOTTOM](#)
[HELP](#)
[Logout](#) Please logout when you are done to release system resources allocated for you.

 Start List At: OR Jump to record:
2928 Records(s) found
(This page: 1 ~ 50)

 Refine Search

 Current Search: S5: docs: 2928
 occ: 17653

	Serial Number	Reg. Number	Word Mark	Check Status	Live/Dead
1	88050655	5658339	THE ORIGINAL PALEOLITHIC PET FOOD COMPANY	TSDR	LIVE
2	88072771	5645832	JONES NATURAL CHEWS SELECT	TSDR	LIVE
3	87767858	5550308	PURESNAKCS	TSDR	LIVE
4	87619175	5396578		TSDR	LIVE
5	87600743	5528208	BLUE WILDERNESS TRAIL TOPPERS	TSDR	LIVE
6	87237305	5325538	PACIFIC FEAST	TSDR	LIVE
7	87173294	5325384	BLUE WILDERNESS TRAIL TRAYS	TSDR	LIVE
8	87170675	5325369	PACIFIC GRILL	TSDR	LIVE
9	87170671	5325368	HARVEST TABLE	TSDR	LIVE
10	87170664	5325367	MOUNTAINTOP MEDLEY	TSDR	LIVE
11	87164347	5325341	BLUE WILDERNESS TRAIL TUBS	TSDR	LIVE
12	87943545	5658265	PET HEALTHY BRANDS	TSDR	LIVE
13	87767585	5658167	HEALTHY WORMS	TSDR	LIVE
14	87749289	5658141	NATURAL WORMS	TSDR	LIVE
15	87603295	5656987	PRAIRIE LAND CANINE	TSDR	LIVE
16	87206851	5656288	MOTHERLAND	TSDR	LIVE
17	87944311	5649087	ORCHIDPETS	TSDR	LIVE
18	87944116	5649061	FOLLIZOO	TSDR	LIVE
19	87923839	5647625	MORE MEAT, NO FILLER.	TSDR	LIVE
20	87910651	5647286	FIRST STREET	TSDR	LIVE
21	87902645	5647017	NOURISHED PET RAW FOOD	TSDR	LIVE

22	87844091	5651499	WILD WEENIES	TSDR	LIVE
23	87800650	5651338	VITAL PIONEERING REAL FOOD	TSDR	LIVE
24	87678842	5650919	WOODLAND CATCH RECIPE	TSDR	LIVE
25	87488169	5650243	CRAVIN' CHICKEN DINNER	TSDR	LIVE
26	87487093	5650241	WILD RIDGE	TSDR	LIVE
27	87487059	5650240	BEEF & CHICKEN CATTEROLE	TSDR	LIVE
28	87006185	5649645	TASTE OF THE WILD PREY	TSDR	LIVE
29	87099944	5465196	YUMMY WORMS	TSDR	LIVE
30	87033059	5104977	NUTRISCA NURTURE THE JOURNEY	TSDR	LIVE
31	87939893	5645455	BIBBLES	TSDR	LIVE
32	87931213	5643402	INABA	TSDR	LIVE
33	87921023	5642626	IDC	TSDR	LIVE
34	87920665	5642593	OLD WORLD NUTRITION FOR NEW WORLD NEEDS	TSDR	LIVE
35	87902219	5641986	PET 'N SHAPE	TSDR	LIVE
36	87902214	5641985	PET 'N SHAPE	TSDR	LIVE
37	87890986	5641560	HERO PET BRANDS	TSDR	LIVE
38	87873444	5645435	YUMSTER	TSDR	LIVE
39	87746560	5645151	TRUE TO THE HUNT	TSDR	LIVE
40	87529361	5644510	NWS	TSDR	LIVE
41	87488173	5644460	SEA-SATIONAL FLORENTINE	TSDR	LIVE
42	87298183	5644111	LUSHAN	TSDR	LIVE
43	87917119	5637815	BRUTUS	TSDR	LIVE
44	87915519	5637683	HOLIDAY CHEER	TSDR	LIVE
45	87852103	5639788	EVERYTHING YOUR PETS NEED. AND NOTHING THEY DON'T.	TSDR	LIVE
46	87483511	5638845	HONEY I'M HOME	TSDR	LIVE
47	87394391	5638655	ANNAMAET OHANA	TSDR	LIVE
48	87392228	5638654	NUTRIENT-DENSE RECIPES TO SATISFY YOUR DOG'S INSTINCTUAL CRAVINGS	TSDR	LIVE
49	87363313	5638610	ANNAMAET REJUVENATE	TSDR	LIVE
50	87901523	5632125	OMEGABLUE	TSDR	LIVE

[TESS HOME](#)
[NEW USER](#)
[STRUCTURED](#)
[FREE FORM](#)
[BROWSE DICT](#)
[SEARCH OG](#)
[PREV LIST](#)
[NEXT LIST](#)
[IMAGE LIST](#)
[TOP](#)

[HELP](#)

[HOME](#) |
 [SITE INDEX](#) |
 [SEARCH](#) |
 [eBUSINESS](#) |
 [HELP](#) |
 [PRIVACY POLICY](#)



United States Patent and Trademark Office

[Home](#) | [Site Index](#) | [Search](#) | [FAQ](#) | [Glossary](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#) | [Help](#)
Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Tue Jan 22 05:21:02 EST 2019

[TESS HOME](#) | [NEW USER](#) | [STRUCTURED](#) | [FREE FORM](#) | [BROWSE DICT](#) | [SEARCH OG](#) | [PREV LIST](#) | [NEXT LIST](#) | [IMAGE LIST](#) | [BOTTOM](#)
[HELP](#)
[Logout](#) Please logout when you are done to release system resources allocated for you.

Start List OR Jump to record: **1692 Records(s) found**
(This page: 1 ~ 50)

 Refine Search ((IC WITH "005") SAME ("nutritional suppl...)) Submit

Current Search: ((IC WITH "005") SAME ("nutritional supplements" and S7: (animals or pets)))[gs] and `RD > "17990000" and live [ld] and 1A[CB] docs: 1692 occ: 17620

	Serial Number	Reg. Number	Word Mark	Check Status	Live/Dead
1	88034438	5629886	KETO ANTIOXIDANT COMPLEX	TSDR	LIVE
2	88020335	5622890	ICARE	TSDR	LIVE
3	87864674	5639811	SIMPLY THRIVE	TSDR	LIVE
4	87957207	5655737	PINK2PURPLE	TSDR	LIVE
5	87953948	5655644	BRIGHT VIBES	TSDR	LIVE
6	87948857	5655357	VITASPERSE	TSDR	LIVE
7	87948427	5655339	PETGIRL	TSDR	LIVE
8	87940322	5654847	GET THE TEA	TSDR	LIVE
9	87842976	5657848	RUJI NATURALS	TSDR	LIVE
10	87831615	5653270	REAL WORLD	TSDR	LIVE
11	87687710	5652721	YOUNG LIVING EST. 1994 SEED TO SEAL QUALITY COMMITMENT	TSDR	LIVE
12	87683532	5657361	CHIDENT	TSDR	LIVE
13	87667723	5657266	PROCLEAN	TSDR	LIVE
14	87660549	5657220	STEEL DOG DAILIES	TSDR	LIVE
15	87560749	5656884		TSDR	LIVE
16	87536772	5656825	FULLIMPULSE	TSDR	LIVE
17	87462724	5656676	A SHOT TO LIVE LONGER	TSDR	LIVE
18	87961029	5649232	PURINA	TSDR	LIVE
19	87939466	5648722	SURVEILLANCE	TSDR	LIVE
20	87932986	5648076	CALMKEEN	TSDR	LIVE

21	87910982	5647302	MELA VICH0	TSDR	LIVE
22	87854333	5651548	PROBIOTECH INTERNATIONAL	TSDR	LIVE
23	87765364	5651233	A ANTLEREDGE	TSDR	LIVE
24	87672788	5650877	PELTON	TSDR	LIVE
25	87760575	5554303	INLINE	TSDR	LIVE
26	87927465	5643192	PRONINE	TSDR	LIVE
27	87923522	5642871	VITAGALE	TSDR	LIVE
28	87921318	5642672	T	TSDR	LIVE
29	87902075	5641977	COCOTHERAPY	TSDR	LIVE
30	87853976	5641094	HMS NUTRITION	TSDR	LIVE
31	87632690	5640476	VERI-TE	TSDR	LIVE
32	87875510	5636919	ACETAR	TSDR	LIVE
33	87826562	5636745	BIORITE	TSDR	LIVE
34	87801562	5636637	VETRINEX LABS	TSDR	LIVE
35	87783270	5636541	AT THE HEART OF EVERY HEALTHY & HAPPY PET	TSDR	LIVE
36	87686671	5639398	FLEXERINE	TSDR	LIVE
37	87655233	5635870	LIPOSOMAX	TSDR	LIVE
38	87624011	5635754	PUTANER	TSDR	LIVE
39	87409950	5571497	PETRITIOUS	TSDR	LIVE
40	87409938	5571496	PETRICIOUS	TSDR	LIVE
41	87371594	5638626	TIGER EYES	TSDR	LIVE
42	87172297	5498531	HEALING HARBORS	TSDR	LIVE
43	87910948	5632806	DAPHENO	TSDR	LIVE
44	87893230	5631970	CCGB	TSDR	LIVE
45	87888074	5631806	PEPPY PAWS	TSDR	LIVE
46	87885575	5631739	PET HELP	TSDR	LIVE
47	87748522	5634717	VETMED	TSDR	LIVE
48	87734450	5634394	SHODEN	TSDR	LIVE
49	87663263	5630703	SMARTAMINE	TSDR	LIVE
50	87633088	5634159	PALIS-AID	TSDR	LIVE

[TESS HOME](#)
[NEW USER](#)
[STRUCTURED](#)
[FREE FORM](#)
[BROWSE DICT](#)
[SEARCH OG](#)
[PREV LIST](#)
[NEXT LIST](#)
[IMAGE LIST](#)
[TOP](#)

[HELP](#)

[|.HOME](#)
[| SITE INDEX](#)
[| SEARCH](#)
[| eBUSINESS](#)
[| HELP](#)
[| PRIVACY POLICY](#)

EXHIBIT B

Response to Suspension Inquiry or Letter of Suspension

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	77329183
LAW OFFICE ASSIGNED	LAW OFFICE 111
CANCELLATION PROCEEDING(S)	
Cancellation No(s). 92049860 has/have been terminated. The applicant hereby requests removal of this application from suspension for further action by the examining attorney.	
COMMENT(S)/REMARK(S)	
We have entered a request to the Trademark Trial and Appeal Board to suspend the cancellation proceedings for this mark and upon review of the Consent Agreement, the proceedings should be terminated. Applicant tried to file as suggested by the examining attorney under "Response to Office Action Form" but TEAS would not allow Applicant to file under this response section because the trademark application was in a suspended status and TEAS instructed Applicant to file said attached Response under the "Response to a Suspension Inquiry or Letter of Suspension" form.	
REMARKS FILE NAME(S)	
ORIGINAL PDF FILE	CAR_20934196130-160153600 . Meridian _183.pdf
CONVERTED PDF FILE(S) (2 pages)	\\TICRS\EXPORT11\IMAGEOUT11\773\291\77329183\xml1\RSI0002.JPG
	\\TICRS\EXPORT11\IMAGEOUT11\773\291\77329183\xml1\RSI0003.JPG
ORIGINAL PDF FILE	CAR_20934196130-160153600 . Consent Agreement - Meridian.pdf
CONVERTED PDF FILE(S) (10 pages)	\\TICRS\EXPORT11\IMAGEOUT11\773\291\77329183\xml1\RSI0004.JPG
	\\TICRS\EXPORT11\IMAGEOUT11\773\291\77329183\xml1\RSI0005.JPG
	\\TICRS\EXPORT11\IMAGEOUT11\773\291\77329183\xml1\RSI0006.JPG
	\\TICRS\EXPORT11\IMAGEOUT11\773\291\77329183\xml1\RSI0007.JPG
	\\TICRS\EXPORT11\IMAGEOUT11\773\291\77329183\xml1\RSI0008.JPG
	\\TICRS\EXPORT11\IMAGEOUT11\773\291\77329183\xml1\RSI0009.JPG
	\\TICRS\EXPORT11\IMAGEOUT11\773\291\77329183\xml1\RSI0010.JPG
	\\TICRS\EXPORT11\IMAGEOUT11\773\291\77329183\xml1\RSI0011.JPG
	\\TICRS\EXPORT11\IMAGEOUT11\773\291\77329183\xml1\RSI0012.JPG
	\\TICRS\EXPORT11\IMAGEOUT11\773\291\77329183\xml1\RSI0013.JPG
ORIGINAL PDF FILE	CAR_20934196130-160153600 . Meridian TTAB filing .PDF
CONVERTED PDF FILE(S) (2 pages)	\\TICRS\EXPORT11\IMAGEOUT11\773\291\77329183\xml1\RSI0014.JPG
	\\TICRS\EXPORT11\IMAGEOUT11\773\291\77329183\xml1\RSI0015.JPG

SIGNATURE SECTION	
RESPONSE SIGNATURE	/rlc/
SIGNATORY'S NAME	Roberta L. Christensen
SIGNATORY'S POSITION	Attorney
DATE SIGNED	04/29/2011
AUTHORIZED SIGNATORY	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Fri Apr 29 16:05:52 EDT 2011
TEAS STAMP	USPTO/RSI-XXX.XX.XXX.XXX- 20110429160552360609-7732 9183-48083c6a2fa2cac14bf5 ca5c9247a1955a6-N/A-N/A-2 0110429160153600455

PTO Form 1822 (Rev 11/2007)
OMB No. 0651-0050 (Exp. 4/30/2009)

Response to Suspension Inquiry or Letter of Suspension To the Commissioner for Trademarks:

Application serial no. **77329183** has been amended as follows:

CANCELLATION PROCEEDING(S)

Cancellation No(s). 92049860 has/have been terminated. The applicant hereby requests removal of this application from suspension for further action by the examining attorney.

Comment(s)/Remark(s):

We have entered a request to the Trademark Trial and Appeal Board to suspend the cancellation proceedings for this mark and upon review of the Consent Agreement, the proceedings should be terminated. Applicant tried to file as suggested by the examining attorney under "Response to Office Action Form" but TEAS would not allow Applicant to file under this response section because the trademark application was in a suspended status and TEAS instructed Applicant to file said attached Response under the "Response to a Suspension Inquiry or Letter of Suspension" form.

Original PDF file:

[CAR_20934196130-160153600 . Meridian_183.pdf](#)

Converted PDF file(s) (2 pages)

[Cancellation File1](#)

[Cancellation File2](#)

Original PDF file:

[CAR_20934196130-160153600 . Consent Agreement - Meridian.pdf](#)

Converted PDF file(s) (10 pages)

[Cancellation File1](#)

[Cancellation File2](#)

[Cancellation File3](#)

[Cancellation File4](#)

[Cancellation File5](#)

[Cancellation File6](#)

[Cancellation File7](#)

[Cancellation File8](#)

[Cancellation File9](#)

[Cancellation File10](#)

Original PDF file:

[CAR_20934196130-160153600 . Meridian TTAB filing .PDF](#)

Converted PDF file(s) (2 pages)

[Cancellation File1](#)

[Cancellation File2](#)

Response Suspension Inquiry Signature

Signature: /rlc/ Date: 04/29/2011

Signatory's Name: Roberta L. Christensen

Signatory's Position: Attorney

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the applicant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the applicant in this matter: (1) the applicant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the applicant has filed a power of attorney appointing him/her in this matter; or (4) the applicant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

Serial Number: 77329183

Internet Transmission Date: Fri Apr 29 16:05:52 EDT 2011

TEAS Stamp: USPTO/RSI-XXX.XX.XXX.XXX-201104291605523

60609-77329183-48083c6a2fa2cac14bf5ca5c9

247a1955a6-N/A-N/A-20110429160153600455

TRADEMARK

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Sergeant's Pet Care Products, Inc.
CLASS: 05
SERIAL NO.: 77/329,183
EXAMINER: T. Whittaker-Brown
FILED: November 14, 2007
LAW OFFICE: 111
MARK: MERIDIAN ANIMAL HEALTH (AND
DESIGN)

RESPONSE TO OFFICE ACTION

AND NOTICE OF SUSPENSION

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

Dear Commissioner:

In response to the Office Action dated September 25, 2008, the examining attorney refused registration of Applicant's mark because of the likelihood of confusion with Registration No. 2,783,152 "MERIDEN ANIMAL HEALTH (and Design)".

In an action dated February 28, 2009, the examining attorney suspended action on this application pending the disposition of Cancellation No. 92049860 against Registration No. 2,783,152 "MERIDEN ANIMAL HEALTH (and Design)". Applicant, Sergeant's Pet Care Products, Inc. and Registrant, Meriden Animal Health Limited, have entered into a Consent Agreement effective April 27, 2011 and have respectfully requested the Trademark Trial and Appeal Board to suspend the cancellation proceedings.

As the attached Consent Agreement reflects, Applicant's mark is used in connection with companion animal (pet) products such as treats, toys, sutures,

shampoo and insecticides. Its goods are marketed and sold to veterinarians.

Registrant's mark is used in connection with feed and water additives containing ingredients based on natural essential oils, natural mineral compounds, enzymes and yeast, that are used as feed flavors, appetite enhancers, mycotoxin binders, flow agents and gut enhancers. In addition, Registrant also markets pharmaceutical and vitamin/mineral products. These products are sold to animal owners and feed makers for ultimate consumption by animals raised for commercial/farming purposes (namely, fish, poultry, ruminants, sheep, goats and swine) and for birds and pigeons raised for leisure/hobby purposes.

Applicant and Registrant have reviewed their respective marks and intended usages and are in agreement that there will be no confusion of the public as a result of the concurrent use of their respective different marks in conjunction with their respective different goods.

For the reasons above, Applicant respectfully requests the examining attorney to withdraw the refusal of registration under § 2(d) of the Trademark Act and remove Applicant's mark from suspension and approve said mark for publication.

CONSENT AGREEMENT

THIS CONSENT AGREEMENT (this "Consent Agreement") is entered into effective this 27th day of April, 2011 (the "Effective Date"), by and between SERGEANT'S PET CARE PRODUCTS, INC., a Nevada corporation, located at 2625 South 158th Plaza, Omaha, NE 68130, on behalf of itself and its related entities, successors and assigns ("Sgt's") and MERIDEN ANIMAL HEALTH LIMITED, a United Kingdom corporation, located at Cranfield Innovation Centre University Way, Cranfield Technology Park, Cranfield United Kingdom MK43 0BT, on behalf of itself and its related entities, successors and assigns ("MAH").

RECITALS

A. MAH has a United States Trademark Registration No. 2,783,152 for the mark "MERIDEN ANIMAL HEALTH (and design)," for use in connection with natural pharmaceutical products, namely, animal feed and water additive for improving feed and water intake, improving appetite and controlling and preventing bacterial pathogens which otherwise could cause reduced production performance (the "MAH Mark"). The MAH Mark is depicted on Exhibit "A" attached hereto.

B. Sgt's has applied for five United States Trademark Applications for the mark "MERIDIAN ANIMAL HEALTH (and design)," for use in connection with a variety of pet products, as set forth on Exhibit "B" attached hereto (the "Sgt's Marks"). The Sgt's Marks are depicted on Exhibit "B" attached hereto.

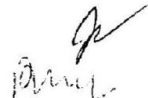
C. On February 28, 2008, the United States Patent and Trademark Office (the "PTO") initially refused registration of the Sgt's Marks on the grounds that they are likely to cause confusion with respect to the MAH Mark.

D. On August 27, 2008, Sgt's filed a Petition for Cancellation (the "Petition") of the registration for the MAH Mark with the Trademark Trial and Appeal Board of the PTO (the "TTAB"). In the Petition, Sgt's alleged that MAH had no substantial sales or use of the MAH Mark in the three years preceding the filing date of the Petition, and thus had abandoned the MAH Mark. MAH has denied that it has abandoned the MAH Mark, and the Cancellation proceeding is ongoing. Further prosecution of the applications for the Sgt's Marks has been suspended by the PTO until the resolution of the Cancellation proceeding.

E. The parties desire to resolve this matter in accordance with the terms and conditions set forth below.

NOW, THEREFORE, in consideration of the above premises (which are incorporated herein by this reference) and the mutual covenants, agreements, representations and warranties set forth below and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. Cancellation Proceedings. The Cancellation proceedings have addressed only the issue of whether or not MAH has abandoned the MAH Mark in the United States. The parties have not disputed the issue of whether the use and registration of the Sgt's Marks would create a likelihood of confusion with the MAH Mark because, as this Consent Agreement reflects, the parties agree that no likelihood of confusion exists. If this Consent Agreement is accepted by the PTO and the Sgt's Marks register, Sgt's will withdraw the Petition and accept



MAH's assertions that it has not abandoned the MAH Mark in the United States. If this Consent Agreement is not accepted by the PTO and the Sgt's Marks are not allowed to register on the grounds that they are too confusingly similar to the MAH Mark, this Consent Agreement shall be of no further force and effect. Each party may then proceed to present their arguments to the TTAB as to whether or not MAH has abandoned the MAH Mark. For the avoidance of any doubt, nothing in this Consent Agreement shall act as an admission against interest, a waiver, estoppels, or abandonment of any kind, as to claims and defenses made in the Cancellation proceeding.

2. No Likelihood of Confusion. MAH and Sgt's, mindful of the public interest, the prevention of public confusion and the great weight that is to be accorded to their mutual agreement with respect to this matter, have reviewed their respective marks and intended usages and are in agreement that there will be no confusion of the public as a result of the concurrent use of their respective different marks in conjunction with their respective different goods. Sgt's began using the Sgt's Marks in the United States in 2008. Neither party has experienced any instance of actual confusion between the Sgt's Marks and the MAH Mark.

3. Differences in the Marks. The differences in the MAH Mark and the Sgt's Marks (collectively the "Marks") and the underlying goods include, but are not necessarily limited to, the following:

i. MAH Goods. The MAH Mark is used in connection with feed and water additives containing ingredients based on natural essential oils, natural mineral compounds, enzymes and yeast, that are used as feed flavors, appetite enhancers, mycotoxin binders, flow agents and gut enhancers. In addition, MAH also markets pharmaceutical and vitamin/mineral products. These products are sold to animal owners and feed makers for ultimate consumption by animals raised for commercial/farming purposes (namely, fish, poultry, ruminants, sheep, goats and swine) and for birds and pigeons raised for leisure/hobby purposes. The majority of products are sold under the "OREGO-STIM," "FUSION" and "MERIBOND" sub-brands. In addition, MAH also markets biosecurity products for the disinfection of commercial farms and equipment. A current main product list is set forth on Exhibit "C" attached hereto.

ii. Sgt's Goods. The Sgt's Mark has been applied for use, and is used, in connection with companion animal (pet) products such as treats, toys, sutures, shampoo and insecticides (see Exhibit "B"). Such products are sold by Sgt's to veterinarians.

iii. Differences in the Marks. The MAH Mark and the Sgt's Marks differ in sight, sound and commercial impression. The MAH Mark contains the word "MERIDEN," which is the name of a county constituency in the U.K. Parliament. The Sgt's Marks contains the word, "MERIDIAN," which means "the highest level or degree attainable; the peak." The MAH Mark includes a design comprised of two overlapping circles containing horizontal lines. The Sgt's Marks include a design comprised of a globe with meridians and parallels.

4. MAH Consent. MAH specifically consents to Sgt's worldwide registration and/or use of the Sgt's Marks in connection with the goods described in Section 3(ii), the goods listed in the applications described in Exhibit "B" and related goods and services (herein known collectively as the "Sgt's Goods"). MAH further consents to Sgt's worldwide registration and/or



use of either the design element of the Sgt's Marks, the word "MERIDIAN" or the words "MERIDIAN ANIMAL HEALTH," separately, in connection with the Sgt's Goods. The "related goods and services" referred to in this Section 4 shall not include the MAH Goods (defined below).

5. Sgt's Consent. Sgt's specifically consents to MAH's worldwide registration and/or use of the MAH Marks in connection with the goods described in Section 3(i), and related goods and services (herein known collectively as the "MAH Goods"). Sgt's further consents to MAH'S worldwide registration and/or use of either the design element of the MAH Mark, the word "MERIDEN" or the words, "Meriden Animal Health," separately, in connection with the MAH Goods. The "related goods and services" referred to in this Section 5 shall not include the Sgt's Goods.

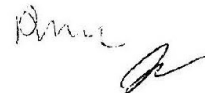
6. Other Registrations; Future Use and Registration.

i. MAH Registrations. MAH has obtained the additional registrations set forth on Exhibit "D" hereto, which registrations incorporate all or part of the MAH Mark.

ii. Sgt's Registration. Sgt's has obtained the foreign registration set forth on Exhibit "E" hereto, which registration incorporates all or part of the Sgt's Mark.

iii. Future Use and Registration. Sgt's will not use or register the Sgt's Mark, or any component thereof, in connection with the MAH Goods, and it will not use or register the MAH Mark, or any component thereof, or any mark confusingly similar to the MAH Mark or to any component thereof, for use in connection with the Sgt's Goods. MAH will not use or register the MAH Mark, or any component thereof, in connection with the Sgt's Goods, and it will not use or register the Sgt's Marks, or any component thereof, or any mark confusingly similar to the Sgt's Marks or any component thereof, for use in connection with the MAH Goods.


7. Future Cooperation. Compliance with Sections 4, 5 and 6(iii) will prevent conflict between the Marks and should preclude a likelihood of confusion between the Marks. The parties will cooperate with each other whenever reasonably necessary to prevent the possibility of confusion in the future and to dispel any confusion in the unlikely event that any confusion should occur. Further, contingent upon the other party's compliance with the terms and conditions of this Agreement, (a) Sgt's will not challenge, and will consent to, any application filed by MAH to register the MAH Mark, or any component thereof, or any subsequent registration resulting from any such application, in connection with the MAH Goods, and (b) MAH will not challenge, and will consent to, any application filed by Sgt's to register the Sgt's Marks, or any component thereof, or any subsequent registration resulting from any such application, in connection with the Sgt's Goods. Further, each party consents to the other party's submission of this Consent Agreement to the trademark office in any jurisdiction in which the other party has applied to register one or more of its Marks or any component thereof, as permitted by this Agreement, in the event the other party's application is refused on the grounds of confusing similarity with the consenting party's Marks or any component thereof. Upon reasonable request and at the requesting party's sole expense with respect to the providing party's out-of-pocket costs, a party shall otherwise provide reasonable cooperation to assist the



requesting party in overcoming a likelihood of confusion refusal to register the requesting party's Marks, or any component thereof.

8. Counterparts. This Consent Agreement may be signed in counterparts, each of which will constitute an original but which together shall constitute one and the same instrument. A signature on a copy of this Consent Agreement received by either party by facsimile or electronic mail is binding upon the other party as an original. Both parties agree that a photocopy of such facsimile or electronic document may also be treated by the parties as a duplicate original.

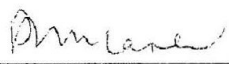
[The remainder of this page intentionally left blank; signature page follows.]

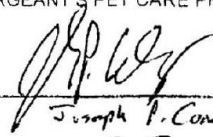
A handwritten signature in dark ink, appearing to be "Anne" followed by a stylized flourish.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly executed as of the Effective Date.

MERIDEN ANIMAL HEALTH LIMITED

SERGEANT'S PET CARE PRODUCTS, INC.


By: PAMELA McLAREN
Its: COMPANY SECRETARY


By: Joseph P. Conady
Its: SVP Finance

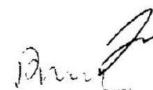


Exhibit "A"



Meriden
ANIMAL HEALTH

567380. 2

Amc

EXHIBIT "B"



(Int'l Class: 3) Non-medicated non-veterinary grooming preparations, namely, pet shampoo and conditioner

(Int'l Class: 5) Veterinary health care preparations for animals, namely, liquid bandage for dressings for use on pets; nutritional and dietary supplements for animals, namely, nutritional supplements for pets to prevent or treat dry skin, hot spots, sores, rashes, worms and other parasites, joint pain, and arthritis; medicated preparations for relief of skin irritations in pets, namely, dogs, cats and other companion animals; inflammation relief preparations for animals, namely, dogs, cats and other companion animals; ear mites for pets for domestic use; anthelmintics, namely, anthelmintics for pets; medicated grooming preparations for cats, namely, cat hairball remedy; veterinary medicated grooming preparations for pets, namely, antimicrobial medicated shampoo; medicated breath deodorizers for pets; preparations for pets, namely, dogs, cats and other companion animals for use in the treatment of acute moist dermatitis; insect repellent and insecticide for use on animals; flea and tick control products, namely, antiparasitic collars, sprays, shampoos, powders, medicated veterinary shampoos for puppies; veterinary medicated powders, and veterinary medicated topical ointments for pets; flea and tick control aerosol foggers for premise applications; carpet insecticides and fresheners; pet odor neutralizer for use on carpets and upholstery; animal maintenance products, namely, indoor/outdoor pet repellent for use with, namely, dogs, cats and other companion animals.

(Int'l Class: 10) Liquid sutures for use on animals

(Int'l Class: 28) Pet toys

(Int'l Class: 31) Pet treats

Ann K

EXHIBIT "C"

Orego-Stim Powder
Orego-Stim Liquid
Orego-Stim Aquatract Powder
Orego-Stim Aquatract Liquid
Orego-Stim Smallholder
Orego-Stim Avian Complete
Orego-Stim Pigeon Liquid
Fusion OS
Fusion Dyad
Menbond Xtra

Amz Z

EXHIBIT "D"

Mark	Registration/Application Number	Jurisdiction
MERIDEN ANIMAL HEALTH (AND DESIGN)	AN 7335301	CTM/European Union
MERIDEN FUSION OREGO- STIM (AND DESIGN)	AN 8665663	CTM/European Union
MERIDEN (AND DESIGN)	AN 1580212	United Kingdom
MERIDEN FUSION OREGO- STIM	Serial Number 79/094005	United States

Amey R

EXHIBIT "E"

Mark	Registration Number	Jurisdiction
MERIDIAN ANIMAL HEALTH	1,429,715	Canada

Pratt

SERGEANT'S PET CARE PRODUCTS, INC.,)	Cancellation No. 92049860
)	
Petitioner,)	Registration No. 2,783,152
)	
v.)	
)	STIPULATION TO SUSPEND
MERIDEN ANIMAL HEALTH, LIMITED,)	PROCEEDINGS
)	
Respondent.)	

588462.2

proceeding if the Consent Agreement is accepted or resume the above-captioned cancellation proceeding if the Consent Agreement is not accepted.

WHEREFORE, Sergeant's Pet Care Products, Inc. and Meriden Animal Health, Limited hereby stipulate and request that the above-captioned cancellation proceeding be suspended as requested above.

Respectfully submitted this 29th day of April, 2011.

SERGEANT'S PET CARE PRODUCTS,
INC., PETITIONER

MERIDEN ANIMAL HEALTH, LIMITED,
RESPONDENT

By: /s/ J. Daniel Weidner
Daniel J. Fischer, #22272
J. Daniel Weidner, #23738
Koley Jessen P.C., L.L.O.
1125 South 103rd Street, Suite 800
Omaha, NE 68124
Telephone: (402) 390-9500
Facsimile: (402) 390-9005
Dan.Fischer@koleyjessen.com
Daniel.Weidner@koleyjessen.com

Attorney for Petitioner

By: /s/ James M. Faier /jmfa/
James Michael Faier
Faier & Faier, P.C.
566 West Adams Street, STE 600
Chicago, IL 60661
Telephone: 312-382-9500
Facsimile: 312-382-9200
jmfaier@faier.com

Attorney for Respondent.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 29th day of April 2011, a true and correct copy of the foregoing was served upon the following by first class mail, postage prepaid, properly addressed as follows:

James Michael Faier
Faier & Faier, P.C.
566 West Adams Street, STE 600
Chicago, IL 60661

/s/ J. Daniel Weidner
J. Daniel Weidner

EXHIBIT C

[Sign In](#) | [Sign Up](#)

[Track Order](#)

[Contact Us](#)

[Email Signup](#)

1-800-844-1427

 Cart 0

PetCareRx.com



GET \$10.00
[Learn How](#)

[Dog](#) [Cat](#) [Pet Meds](#) [Flea & Tick](#) [Heartworm](#) [Wellness](#) [Refills](#)

Search Products and Articles

Search

20% OFF • TAKE AN EXTRA 20% OFF SITEWIDE*

Use Code:
CARE20



[HOME](#) / [WELLNESS](#) / [PREVENTATIVE & OTHER HEALTH](#)

HOW TO AVOID INSECTICIDE POISONING IN DOGS AND CATS

Don't Let Your Anti-Pest Measures Actually Harm Your Pets

By **SORA WONDRA**, February 05 | [See Comments](#)

Published by: [PetCareRx](#)



VET VERIFIED

PETCARERX STAFF
VETERINARIAN
DVM

Next Up



Insecticides are used often and in various different ways around our homes. But if proper care isn't taken, pets can easily ingest or come into contact with insecticides, which can be extremely dangerous.

Insecticides are designed to kill insects, but they can also seriously affect your dog or cat. Many insecticides used in homes, gardens, parks, and even [spot-on flea treatments](#) can easily poison your pet if not used carefully. Dogs are especially at risk of inhaling or ingesting debris left on grass, [eating a treated plant](#), or eating an undissolved pellet of water-soluble insecticide. Here's how to avoid insecticide [poisoning](#).

DAINGEROUS INGREDIENTS IN INSECTICIDES

Several ingredients can cause severe reactions and even long-term cognitive issues. When you are buying insecticides, look at the label and avoid buying the most dangerous ingredients listed below:

- Amitraz
- Acephate
- Carbofuran
- Chlorpyrifos
- Diazinon
- Disulfoton
- Fenoxycarb
- Fonofos
- Malathion
- Methomyl
- Parathion
- Permethrin (don't use around cats)
- Propozur
- Terbufos
- Tetrachlorvinphos (TCVP)

The most surprising of these may be permethrin, which is often used in dog spot-on flea and tick treatment. Cats are highly susceptible to permethrin poisoning, even through skin contact, so if you have a cat and a dog, look for safer alternatives for your home.

SAFER INSECTICIDE ALTERNATIVES

Below is a list of insecticides that, when used as directed, can be safer to use around pets.

- Acetamiprid
- Imidacloprid
- Lufenuron
- Nitenpyram
- Pyriproxyfen
- S-Methoprene
- Spinosad

FOLLOW THE LABEL

Once you have identified which insecticides can be safely used around your pets, it's still very important to follow directions carefully—overdosing with a “safer” insecticide can still lead to poisoning. Make sure to read products' fine print carefully, and ensure that insecticides will not be mixed.

- Never apply outdoor insecticides while your pet, any toys, or feeding bowls are on the lawn.
- Avoid pellet pesticides that can be mistaken for food.
- Don't mix insecticides with organic fertilizer -- most dogs like the taste of organic fertilizers.
- When storing insecticides, make sure they are out of reach and locked up so that children and animals cannot access them.

TAKE CAUTION

When your pet is outside, it can be harder to protect them from dangerous insecticides. Your neighbor's pesticides can also drift into your lawn and affect your pet. It is best to get to know your neighbor and talk with them about their pesticide use, at least so that you know which pesticides your pet might be exposed to. If you take your dog to a park that uses pesticides, avoid treated areas for at least 72 hours—and

waiting longer is better.

If you suspect your dog or cat has been poisoned by an insecticide, [contact an emergency veterinarian](#) and poison control immediately. It's important to gather as much information as possible:

- What the poisonous chemical was or may have been
- How much was ingested
- The means of exposure

Bring the insecticide packaging if you can and, if your pet has [vomited](#), a small vomit sample for analysis.

More on Poisoning

[When to Call Animal Poison Control](#)

[Be Prepared for Emergency Pet Care: Steps to Take Now](#)









[The Most Poisonous Foods for Cats](#)

This information is for informational purposes only and is not meant as a substitute for the professional advice of, or diagnosis or treatment by, your veterinarian with respect to your pet. It has, however, been verified by a licensed veterinarian for accuracy.



POISONING

See Also

 Heartworm Pills for Dogs	>	 Dog Food for Sensitive Stomach	>
 Best Raw Dog Foods	>	 Orthopedic Dog Beds	>
 Best Dry Dog Food	>	 Dog Adoption Near Me	>
 Most Loyal Dog Breed	>	 Dog Constipation Remedy	>

SHOW COMMENTS

text comments
comments powered by
Disqus

WAS THIS ARTICLE HELPFUL?



INSECTICIDE POISONING AT A GLANCE

- 1 Insecticides have become a part of our everyday environment.
- 2 It's important to be aware of the dangers to pets and avoid them in your own home.
- 3 Learn which chemicals are most dangerous and choose safer alternatives.
- 4 If you suspect your pet has been poisoned by an insecticide, seek immediate veterinary attention.

RELATED PRODUCTS





Nutro Max Cat Indoor Salmon 16Lb Dry Cat Food

Regular Price: \$32.40

PetPlus Price: \$23.76

SHOP

PETplus



HEARTGARD

Heartgard Plus Chewables for Dogs

Regular Price: \$29.59

PetPlus Price: \$22.00

SHOP

PETplus



Heartgard for Cats

Regular Price: \$40.79

PetPlus Price: \$30.00

SHOP

See Also	
1. Hotel Reservations	a
2. Make Money Online	a
3. Yellow Pages	a
4. Job Listings	a
5. Health And Fitness	a

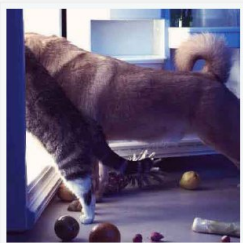
YOU MAY ALSO LIKE

FOOD & NUTRITION



POISONOUS PLANTS
TO CATS AND DOGS

GASTROINTESTINAL
(STOMACH) HEALTH



WHY CHOCOLATE IS
BAD FOR DOGS AND
CATS

PREVENTATIVE & OTHER
HEALTH



HOW TO AVOID
ANTIFREEZE
POISONING IN DOGS
AND CATS

MORE FROM THIS
AUTHOR



YOUR LARGE BREED DOG

ABOUT PETCARERX

About Us
Press Releases
Partners and Sponsorships
Refer a Friend
Affiliates
Careers
Site Map
Contact Us

MY PETCARERX

My Account
My Orders
PetCareRx Points
Order Status Check
PetCareRx Mobile App



RESOURCES

Wellness Advice
Pet Care Tools
Medication Guides
Breed Guides
PetCareRx Coupons
Blog

CUSTOMER CARE

Returns & Exchanges
Frequently Asked Questions
Ordering & Shipping
The PetCareRx Guarantee
Discounts & Promotions
The PetCareRx Points Program
Auto Delivery

DOG CATEGORIES

Food & Nutrition Center
Cleaning & Grooming
Training & Behavior
Travel & Outdoors
Toys
Treats
Accessories & Apparel
Crates & Furniture
Pharmacy
Curated

CAT CATEGORIES

Food & Nutrition Center
Cleaning & Grooming
Training & Behavior
Travel & Outdoors
Toys
Accessories & Apparel
Crates & Furniture
Pharmacy
Curated


SEARCH



STAY INFORMED & GET OFFERS

HERE FOR YOU ANYTIME

By Phone

☐ 1-800-844-1427 

Fax Us: 1-866-204-6773 

More Options

By Mail

PetCareRx.com
52 Merton Avenue
Lynbrook, NY 11563

Opening Hours

M-F: 9am - 6pm EST

Sat: 9am - 5pm

Sun: 9am - 3pm

Pharmacy

M-F: 9am - 5pm

Our Website


Live Chat

COME SEE WHAT WE'RE BARKIN' ABOUT

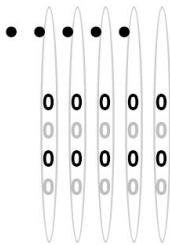


*Restrictions apply. See our [discount](#) and [shipping](#) policy.

©2019 PetCareRx. All Rights Reserved. [Terms of Use](#), [Privacy Policy](#), & [Security](#) We are certified via [safe.pharmacy](#), a program of the National Association of Boards of Pharmacy®, with our domains [petcarerx.pharmacy](#) & [petplus.pharmacy](#)

**Our partner PetPlus works hard to make it easier for you to take care of your pet, and they don't want you to worry about costs. If you find a better price for an item from a U.S. licensed, .Pharmacy verified online pharmacy, PetPlus will do everything possible to meet or beat that price. Please call us at 1-866-893-0306  to speak with a customer care representative. † Product is not eligible for additional discounts due to MAP (Minimum advertised price) policies with manufacturers.

Cat and dog flea treatments can be toxic to pets, humans



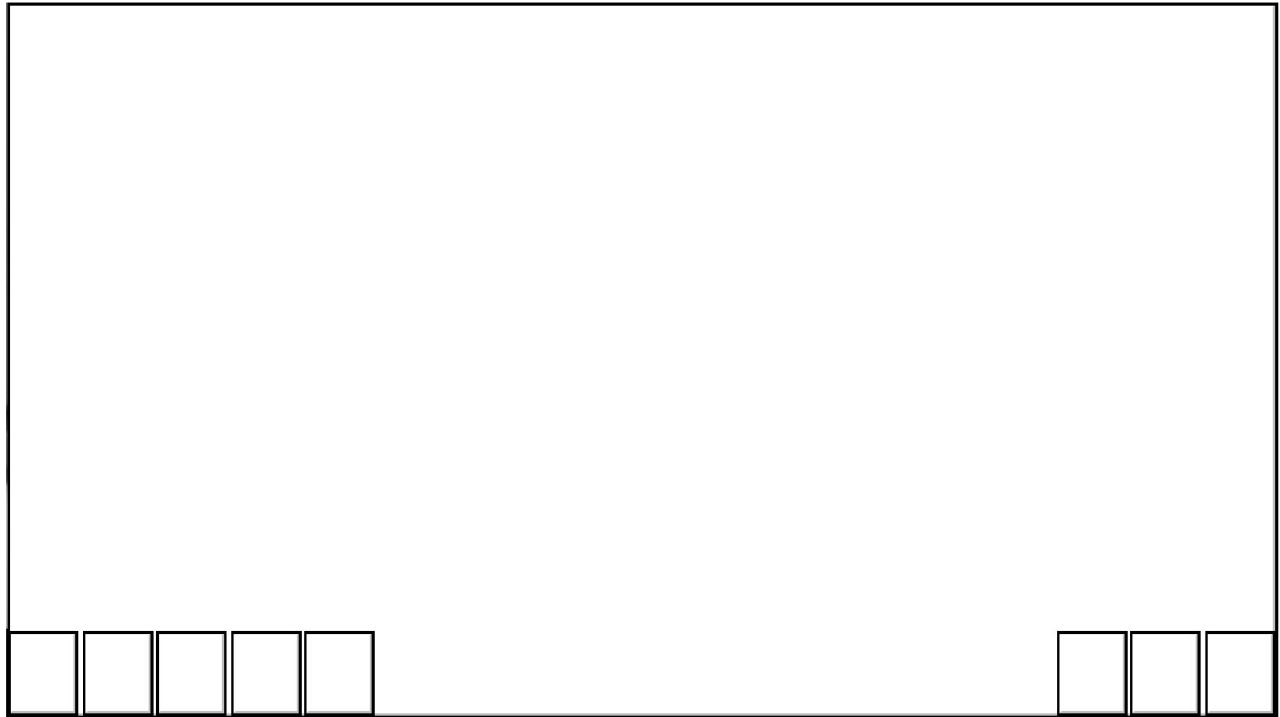
CBC Marketplace investigates risks to humans and pets from popular pet products

CBC News · Posted: Dec 05, 2014 11:00 AM ET | Last Updated: December 5, 2014

Marketplace
Cat and dog flea treatments can be toxic to pets, humans

Please know that cookies are required to operate and [enhance our services](#) as well as for [advertising purposes](#). We value your privacy. If you are not comfortable with us using this information, please [review your settings](#) before continuing your visit.

[Learn more](#)



CBC Marketplace investigates risks to humans and pets from popular pet products 2:03



CBC *Marketplace* has discovered that more than 2,000 animals are reported to have died in North America since 2008 as a result of exposure to flea and tick treatment products, which can contain dangerous chemicals that kill fleas but can also harm pets.

Some researchers are also concerned that pesticide exposures from flea treatments could have consequences for humans, especially small children.

- [CBC Marketplace: Pet Safety - Paws for Concern](#)

“It’s one of those things that is incredibly unfair — it’s unfair for families, it’s unfair for their pets, it’s unfair for kids. And the truth is, there are better options,” public health scientist Miriam Rotkin-Ellman told *Marketplace* co-host Erica Johnson.

“We don’t need to put our kids at risk, don’t need to put our families at risk, our pets at risk.”

According to information *Marketplace* obtained from the Pest Management Regulatory Agency (PMRA), Health Canada received 4,726 incident reports for cats and dogs related to topical flea treatments between 2009 and 2013.

Health Canada receives reports about incidents related to Canadian products used domestically and in the United States. Almost two thirds (62 per cent) of these reports were for animals in Canada.

The deaths included 1,188 cats and 872 dogs, most of them in the United States.

Pesticides in flea collars 'can get on the bedding, it can get on kids' hands, it can go all sorts of places,' public health scientist Miriam Rotkin-Ellman told *Marketplace* co-host Erica Johnson. (CBC)

Flea treatments can include collars, sprays, powder, shampoos and "spot-on" treatments, where pet owners dab a small amount of chemical directly onto the animal's fur. Some of the treatments contain pesticides that target the nervous systems of fleas and ticks.

Spot-on treatments are responsible for approximately 80 per cent of the incidents, according to the PMRA. Most of the reports involve over-the-counter treatments.

For tips on keeping your pet safe, follow the conversation with @cbcmarketplace on Twitter, using the hashtag #pets.

Marketplace also investigated how pesticides in flea collars can transfer from the collar to elsewhere in the home, which could raise special concerns for families with small children.

"There's mounting evidence that pesticides can be really harmful for kids at low levels," says Rotkin-

Ellman.

“When pesticides are on pets, they come into contact with kids all the time.”

The investigation, “Paws for Concern,” airs Friday, Dec. 5 at 8 p.m. (8:30 p.m. NT) on CBC Television. The show also tested dog harnesses, evaluating popular brands on the market to see if they actually work in an accident.

Dangers to small pets

Pet owners need to be extremely careful in how they choose flea treatments and how they use them on their pets, says Dr. Whitney Chin, a London, Ont.-based veterinarian.

Dr. Chin says one chemical common in over-the-counter dog treatments — permethrin — is of particular concern. Using too much of the chemical can be dangerous, and it is highly toxic to cats.

“I’ve seen it far too many times, unfortunately,” Dr. Chin says.

“Some people think, A cat is a small dog and I’ll just use a little dose,” Dr. Chin says.

Cats can also be inadvertently exposed if a dog in the home is treated with a product and “the dog or cat socialize, share the same bedding or if the cat grooms the dog.”

Chemicals transferred in this way can be enough to seriously harm a cat, he says.

According to the website of the Canadian Veterinary Medical Association (CVMA), “Toxicity [to cats] from dog flea and tick products is a medical emergency.”

Some dog flea treatments contain chemicals

Symptoms of exposure can include uncontrollable shaking, and the CVMA advises taking affected animals to a vet immediately. "The longer your cat is left to shake, the greater the chance of permanent damage (death included)."

that are highly toxic to cats. "People should be aware," says veterinarian Dr. Whitney Chin. (Geoff Wiggins)

Dr. Chin advises talking to your veterinarian before choosing a treatment product, and says that not all products on the market are dangerous.

New labelling rules

New labelling rules came into effect in Canada in 2012, requiring some treatments for dogs to show a clear warning label that the product can be toxic to cats.

However, products manufactured before the new rules were introduced were not recalled and may still be on the market.

Marketplace found treatments on store shelves in fall 2014 that did not have the new labels. Health Canada says it will investigate these cases.

Dr. Chin is concerned that the new warning labels do not go far enough and should more prominently alert pet owners to the dangers of poisoning.

Pet store staff may not always tell people who have both dogs and cats about the risks of exposure to both animals.

"People should be aware," Dr. Chin says.

Human health concerns

Some researchers are concerned that pesticides in flea collars can also pose a risk to people, even when used properly.

Rotkin-Ellman at the U.S. Natural Resources Defense Council tested pets to see how much pesticide from flea collars the rest of us may be exposed to.

“Flea collars are designed to release a toxic substance that kills fleas on the pet’s fur,” she says. However, she says, “it also can get on the bedding, it can get on kids’ hands, it can go all sorts of places.”

Her team tested pesticide residues left on fur after monitoring a pet that wore a flea collar for three days.

“We found much higher levels than we expected,” she says.

The team found that kids could be exposed to higher levels than are considered safe by the Environmental Protection Agency. This was a particular concern for small children, who could be exposed to chemicals absorbed through their skin, or if they put their hands in their mouths.

Rotkin-Ellman says that exposure to the types of pesticides used in flea collars may be linked to behavioural problems, cognitive delay and problems with motor development.

She advises people who are concerned about pesticide exposure that there are other ways to control fleas, including bathing your pet and washing bedding regularly.

- [Based on a Marketplace investigation by Tiffany Foxcroft and Tyana Grundig](#)

[CBC's Journalistic Standards and Practices](#) | [About CBC News](#)

[Report Typo or Error](#) | [Send Feedback](#)

RELATED STORIES

- [CBC Marketplace: Paws for Concern](#)
- [Pesticide legislation fails to impress municipalities](#)

- [GO PUBLIC](#) [Costco keeps selling treats from China despite dog death](#)
- [EXCLUSIVE](#) [Some pet medications cheaper at pharmacies](#)

EXTERNAL LINKS

- [Flea and tick products can be toxic to cats \(CVMA\)](#)

POPULAR NOW

1 1578 reading now

**8 JAW-DROPPING
ALLEGATIONS
FROM B.C.
SPEAKER'S
REPORT**

2 915 reading now

**NOT GETTING
ENOUGH SLEEP?
HERE'S WHY IT
COULD BE
AFFECTING
YOUR MEMORY**

3 689 reading now

**NEW FOOD
GUIDE UNVEILED
WITHOUT FOOD
GROUPS OR
RECOMMENDED
SERVINGS**

4 559 reading now

**OPINION

RUSH TO
JUDGMENT ON
COVINGTON
SCHOOL
STANDOFF
SHOULD BE A
WAKE-UP CALL
FOR MEDIA:
ROBYN URBACK**

5 503 reading now

**TOP COURT
DECLINES TO
TAKE UP DACA,
UNDERCUTTING
TRUMP'S PLAN
TO REOPEN
GOVERNMENT**

291 COMMENTS

To encourage thoughtful and respectful conversations, first and last names will appear with each submission to CBC/Radio-Canada's online communities (except in children and youth-oriented communities). Pseudonyms will no longer be permitted.

By submitting a comment, you accept that CBC has the right to reproduce and publish that comment in whole or in part, in any manner CBC chooses. Please note that CBC does not endorse the opinions expressed in comments. Comments on this story are moderated according to our [Submission Guidelines](#). Comments are welcome while open. We reserve the right to close comments at any time.

[Login](#) | [Signup](#)

Commenting is now closed for this story.

[Follow](#)

Newest

There are no comments yet.

DISCOVER MORE FROM CBC

Video of teen, Indigenous protester standoff let people confirm their own fears: writer

Radio - The Current

Muni comi 'train delay scarl fetch more than \$11K on eBay

Radio - As It Happen |

Chris Since move close to histo with 178th inter goal

Sports - Soccer |

'I used to think that babies were born a girl or a boy': Why some parents are raising kids undefined by gender

Radio - Out In The Open

Maple Leafs GM downplays team's slide, says Matthews contract talks progressing

Joshua Clipperton
Sports - Hockey - NHL |

Connect with CBC

CBC & Info

- Facebook
- Twitter
- YouTube
- Instagram
- Mobile
- RSS
- Podcasts
- Newsletters

- Audience Relations, CBC P.O. Box 500 Station A Toronto, ON Canada, M5W 1E6
- Corporate Info
- Ombudsman
- Public Appearances
- Commercial Services
- Reuse & Permission
- Terms of

It is a priority for CBC to create a website that is accessible to all Canadians including people with visual, hearing, motor and cognitive challenges.

Closed Captioning and Described Video is available for many CBC-TV shows offered on [CBC Gem](#).

[More about CBC Accessibility](#)
[Accessibility Feedback](#)

(Canada
only):
1-866-306-4636
TTY/Teltype
writer:
1-866-220-6045
FAQ
Help
Centre
Contact
Us
Use
Privacy
CBC
Jobs
Doing
Business
with
Us
Renting
Facilities
Independent
Producers
Sitemap

©2018 CBC/Radio-Canada. All rights reserved.

Visitez Radio-Canada.ca