

ESTTA Tracking number: **ESTTA3922**

Filing date: **12/17/2003**

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

<b>Proceeding</b>	91155657
<b>Party</b>	Defendant Garden of Life, Inc. Garden of Life, Inc. 1449 Jupiter Park Dr. Suite 16 Palm Beach Gardens, FL 33458
<b>Correspondence Address</b>	STEPHEN T. SAMUEL CORPORATE CREATIONS PROF. ASSOC. 941 FOURTH STREET #200 MIAMI BEACH, FL 33139
<b>Submission</b>	APPLICANT'S RESPONSE TO THE BOARD'S NOVEMBER 26, 2003 ORDER TO PROVIDE PROOF OF SERVICE
<b>Filer's Name</b>	Carrie Webb Olson
<b>Filer's e-mail</b>	colson@edwardsangell.com
<b>Signature</b>	/carrie webb olson/
<b>Date</b>	12/17/2003
<b>Attachments</b>	APPLICANT'S RESPONSE TO THE BOARD'S NOVEMBER 26, 2003 ORDER TO PROVIDE PROOF OF SERVICE.pdf ( 4 pages )

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

In the matter of: Serial No. 76/403,896  
Date of filing: May 3, 2002  
Mark: PET DEFENSE  
Date of Publication: November 5, 2002

Schering-Plough Veterinary Corporation )

Opposition No. 91155657

)  
)  
Opposer, )

v. )

Garden of Life, Inc. )

)  
)  
Applicant. )

BOX TTAB/NO FEE  
Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3513

**APPLICANT'S RESPONSE TO THE BOARD'S NOVEMBER 26, 2003 ORDER TO  
PROVIDE PROOF OF SERVICE**

This is in response to the Board's Order, dated November 26, 2003, allowing the Applicant until thirty days from that date to provide proof of service of the paper filed on October 23, 2003 entitled Applicant's Motion to Set Aside Default Judgment (the "Motion").

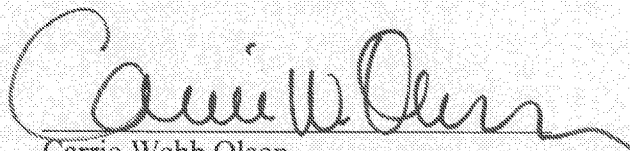
Consistent with Trademark Rule 2.119(a), the Applicant duly served the Motion on all parties involved in this matter. Counsel for Opposer, David Kera, Esq., acknowledged receipt of the Motion shortly after the October 21, 2003 mailing date. Applicant submits herewith a copy of the signed CERTIFICATE OF SERVICE, confirming that the Motion was sent via first class mail to the identified parties. *See Exhibit A.*

The enclosed CERTIFICATE OF SERVICE was affixed to and submitted simultaneously with the above Motion. Further to Trademark Rule 2.119(a), "a statement signed by the attorney or other authorized representative, attached to or appearing on the original paper when filed, clearly stating the date and manner in which service was made will be accepted as prima facie proof of service."

Accordingly, having timely filed this Proof of Service, Applicant respectfully submits that it has fully complied with the Board's demand for proof of service and requests that the Motion papers filed on October 23, 2003 be promptly considered by the Office.

Respectfully submitted,

Date: December <sup>16<sup>th</sup></sup> 2003



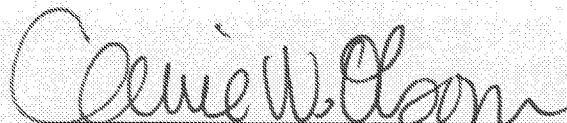
Carrie Webb Olson  
EDWARDS & ANGELL, LLP  
Three Stamford Plaza  
301 Tresser Boulevard, Suite 1310  
Stamford, CT 06901  
Tel: (203) 975-7505  
Fax: (203) 975-7180

### CERTIFICATE OF SERVICE

I certify that copies of the foregoing APPLICANT'S RESPONSE TO THE BOARD'S NOVEMBER 26, 2003 ORDER TO PROVIDE PROOF OF SERVICE were sent via first class mail, postage pre-paid on this <sup>16<sup>th</sup></sup> day of December 2003 to:

Charles H. Oppenheimer, Esq.  
Joel Wiener, Esq.  
Attorneys for Opposer  
Schering-Plough Corporation  
2000 Galloping Hill Road  
K-6-1 Mail Stop 1030  
Kenilworth, NJ 07033-0530  
(908) 298-2935

David J. Kera, Esq.  
Oblon, Spivak, McClelland  
Maler & Neustadt, P.C.  
Fourth Floor  
1755 Jefferson Davis Highway  
Arlington, Virginia 22202  
(703) 412-6456



Name: Carrie Webb Olson

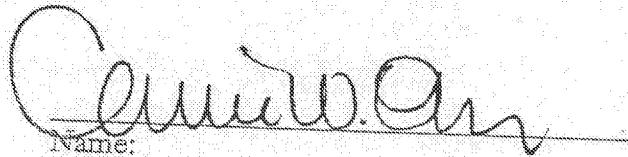
## Exhibit A

CERTIFICATE OF SERVICE

I certify that copies of the foregoing APPLICANT'S MOTION TO SET ASIDE DEFAULT, APPLICANT'S ANSWER TO NOTICE OF OPPOSITION and the AFFIDAVIT OF ROBERT CRAVEN were sent via first class mail, postage pre-paid on this 21 day of October 2003 to:

Charles H. Oppenheimer, Esq.  
Joel Wiener, Esq.  
Attorneys for Opposer  
Schering-Plough Corporation  
2000 Galloping Hill Road  
K-6-1 Mail Stop 1030  
Kenilworth, NJ 07033-0530  
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Name: \_\_\_\_\_