

April 4, 2005

Assistant Commissioner for Trademarks
Box TTAB FEE
P.O. Box 1451
Alexandria, Virginia 22313-1451

Re: In the matter of application Serial No. 76/519,173
Published in the Official Gazette of March 8, 2005
Applicant: Oliver Blumgart, dba Unleashed
Proposed Mark: UNLEASHED
Our File No. 20030348

Sir:

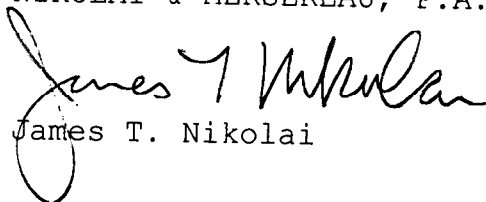
We are enclosing with this letter two copies of a Notice of Opposition in regard to the registration of the above proposed trademark in the United States Patent and Trademark Office.

Enclosed is a check in the amount of \$300.00 to cover the trademark processing fee thereon.

The Commissioner is authorized to charge any additional fees or refund any overpayment under 37 CFR 2.6 which may be required by this paper to Deposit Account No. 08-1265.


Yours very truly,

NIKOLAI & MERSEREAU, P.A.



James T. Nikolai

JTN:br
Enclosures



04-07-2005

TTAB

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

In the matter of Trademark Application Serial No. 76/519,173 for the mark UNLEASHED, published in the Official Gazette on March 8, 2005.

Christi Blaskowski,
dba Unleashed, Behavior and Training Services

April 4, 2005

Opposer,

v.

Opposition No.

Oliver Blumgart,
dba Unleashed,

Applicant.

NOTICE OF OPPOSITION

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

Opposer, Christi Blaskowski, is a citizen of the United States who provides animal training and kennel services under the mark UNLEASHED. Opposer's principal place of business is located at 8537 Eagle Creek Blvd., Shakopee, Minnesota 55379. Opposer believes that she will be damaged by registration of the mark shown above in the above-identified application, and hereby opposes the same.

The following are the grounds on which this opposition is based:

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1. Ms. Blaskowski has for many years advertised and sold animal training and kennel services under the marks UNLEASHED and



04-07-2005

UNLEASHED, BEHAVIOR AND TRAINING SERVICES. In December of 1999, Ms. Blaskowski registered UNLEASHED, BEHAVIOR AND TRAINING SERVICES as an assumed name with the Secretary of State for the State of Minnesota.

2. On November 12, 2003, Ms. Blaskowski filed U.S. Trademark Application Serial No. 76/559,408 for the mark UNLEASHED covering the animal training and kennel services that she provides. As indicated in that application, Ms. Blaskowski first began to offer services under the UNLEASHED mark in October of 1999. Her first use of the mark in interstate commerce was on or before May 31, 2000.

3. On or about June 28, 2004, the U.S. Patent and Trademark Office issued an Office Action related to Ms. Blaskowski's application to register the UNLEASHED mark. In that Office Action, the application which is the subject of this opposition was identified as an earlier filed, potentially conflicting application. On January 11, 2005, the U.S. Patent and Trademark Office issued a Notice of Suspension in connection with Ms. Blaskowski's application. The Notice of Suspension indicated that action on her application would be suspended pending disposition of the application which is the subject of this opposition.

4. Since 1999, when Ms. Blaskowski began using the UNLEASHED mark, Ms. Blaskowski has taken significant steps

advertise and promote her animal training and kennel services under the UNLEASHED mark. A variety of advertising media have been employed. Such advertising media includes direct mailings, distribution of advertising brochures through veterinary clinics, telephone directory "yellow page" advertising, and magazine advertising.

5. The application which is the subject of this opposition was filed as an intent-to-use application on June 30, 2003, nearly four years after Ms. Blaskowski began using the UNLEASHED mark. The services covered by the subject application are listed as "dog boarding services". Such services are identical to the kennel services which Ms. Blaskowski began offering in 1999 under the UNLEASHED mark. There is no indication in the application which is the subject of this opposition that any use of the mark had been made by Applicant before Applicant filed its intent-to-use application.

6. If Applicant is successful in securing a registration of the UNLEASHED mark, such registration could prevent Ms. Blaskowski from protecting her rights in the UNLEASHED mark.

7. Further, use by Applicant of the UNLEASHED mark could directly interfere with the prior existing rights Ms. Blaskowski established in the UNLEASHED mark as a result of her prior use of the mark and advertising of the services that she offers under the mark.


8. Further, as the U.S. Patent and Trademark Office has indicated in the Office Action related to Ms. Blaskowski's pending application, a likelihood of confusion could arise from the simultaneous use of the UNLEASHED mark by Ms. Blaskowski and Applicant. Since Ms. Blaskowski began using the UNLEASHED mark before Applicant and before Applicant filed its intent-to-use application, Ms. Blaskowski's rights are superior to those of Applicant.

9. For the reasons stated above, Opposer, Christi Blaskowski, will be damaged by the registration of the opposed trademark.

WHEREFORE, Opposer, Christi Blaskowski, prays that this opposition be sustained and that registration be denied Oliver Blumgart of the mark "UNLEASHED" as described and illustrated in its Trademark Application Serial No. 76/519,173, filed on June 3, 2003 for the services described therein.

Respectfully submitted,

NIKOLAI & MERSEREAU, P.A.


James T. Nikolai
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TRADEMARK APPLICATION
Our Docket No. 20030348

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

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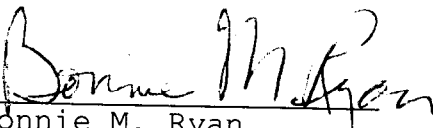
Oliver Blumgart,
dba Unleashed,

CERTIFICATE OF MAILING

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

Sir:

I hereby certify that two copies of the foregoing Notice of Opposition and a check in the amount of \$300.00 are being deposited with the United States Postal Service as First Class in an envelope addressed to: TTAB, Assistant Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 2213-1451, postage prepaid, on April 4, 2005.


Bonnie M. Ryan
Secretary of James T. Nikolai

Enclosures