

ESTTA Tracking number: **ESTTA44088**

Filing date: **09/02/2005**

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

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

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| Name | Innotek, Inc. |
| Granted to Date of previous extension | 09/03/2005 |
| Address | 1000 Fuller Drive Garrett, IN 46738 UNITED STATES |

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| Attorney information | Christopher M. Parent Brownstein Hyatt & Farber, P.C. 410 17th Street22nd Floor Denver, CO 80202 UNITED STATES cparent@bhf-law.com, bplotkin@bhf-law.com, mchilds@bhf-law.com |
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Applicant Information

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|-------------------------------|---|-------------------------------|------------|
| Application No | 78265987 | Publication date | 07/05/2005 |
| Opposition Filing Date | 09/02/2005 | Opposition Period Ends | 09/03/2005 |
| Applicant | Radio Systems Corporation 10427 Electric Avenue Knoxville, TN 37932 | | |

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| UNITED STATES |
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Goods/Services Affected by Opposition

Class 009. First Use: 20030131 First Use In Commerce: 20030131

All goods and services in the class are opposed, namely: Electronic animal confinement systems; electronic animal training systems comprised of a hand-held transmitter and an animal collar with receiver attached, which provides a method of stimulation or correction to animals; electronic animal training devices, namely hand-held ultrasonic sound emitters; animal training collars, namely electronic bark control collars to activate a negative reinforcement in response to a dog bark; electronic animal tracking and locating devices, which utilize audible location signals to track and locate animals; and printed instructional materials and instructional videotapes sold and distributed as a unit with the above-listed goods

Class 018. First Use: 20030131 First Use In Commerce: 20030131

All goods and services in the class are opposed, namely: Animal collars with an electronic receiver attached

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| Attachments | Document.pdf (3 pages) |
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|------------------|-----------------------|
| Signature | /cmp/ |
| Name | Christopher M. Parent |
| Date | 09/02/2005 |

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

In the matter of trademark application Serial No. 78/265987
For the mark SPORTDOG & Design in International Classes 9 and 18
Published in the Official Gazette on July 5, 2005

INNOTEK, INC., Opposer

v.

Opposition No. _____

**RADIO SYSTEMS, CORP.,
Applicant**

NOTICE OF OPPOSITION

INNOTEK, INC., a corporation organized and existing under the laws of the state of Indiana, having its principal place of business at 1000 Fuller Drive, Garrett, Indiana 46738 (“Opposer”), believes that it will be damaged by the registration of U.S. Trademark Application Serial No. 78/265987 for the mark SPORT DOG in International Classes 9 for use with “Animal collars with an electronic receiver attached,” and International Class 18 for use with “Electronic animal confinement systems; electronic animal training systems comprised of a hand-held transmitter and an animal collar with receiver attached, which provides a method of stimulation or correction to animals; electronic animal training devices, namely hand-held ultrasonic sound emitters; animal training collars, namely electronic bark control collars to activate a negative reinforcement in response to a dog bark; electronic animal tracking and locating devices, which utilize audible location signals to track and locate animals; and printed instructional materials and instructional videotapes sold and distributed as a unit with the above-listed goods” and owned by Radio Systems Corporation, a Tennessee corporation (“Applicant”). Opposer hereby opposes the registration of the SPORTDOG & design trademark under the provisions of Title 15

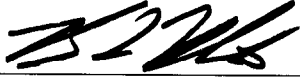
of the U.S. Code including, but not limited to, Section 1056 and under Section 1213.03(b) of the Trademark Manual of Examining Procedure.

The grounds for opposition are as follows:

1. Applicant filed its application for the SPORTDOG & design trademark on June 23, 2005.
2. The USPTO issued a non-final office action on January 5, 2004, and a final refusal on February 14, 2005 for the SPORTDOG & design trademark. The USPTO did not require a disclaimer of the term "sportdog" in either of such actions.
3. The application for the SPORTDOG & design trademark was published for opposition on July 5, 2005.
4. Opposer objects to registration of the SPORTDOG & design trademark because the term "Sportdog" is a generic term that is widely used throughout the pet containment industry in reference to field or hunting dogs. A Google search of the term "Sportdog" offers 35,700 hits. Because "Sportdog" is a generic term, registration of the SPORTDOG & design trademark should proceed only if Applicant disclaims any rights in the term "sportdog."
5. Like Applicant, Opposer is a manufacturer and distributor of pet products, particularly those geared towards pet training. Many of Opposer's products are designed for the owner of hunting, field, or sport dogs. Accordingly, Opposer would be damaged should the USPTO not require Applicant to disclaim the term "sportdog" in order for its registration to proceed. Applicant should not be permitted to have exclusive rights to and in the term "sportdog," apart from the mark sought to be registered.

WHEREFORE, Opposer prays that this Notice of Opposition be sustained and that registration of U.S. Trademark Application Serial No. 78/265987 for the mark SPORTDOG be refused.

Respectfully submitted,

By:  _____

Date: September 2, 2005

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Innotek, Inc.**

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