

ESTTA Tracking number: **ESTTA52344**

Filing date: **11/08/2005**

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

Name	Sergeant's Pet Care Products, Inc.
Granted to Date of previous extension	11/12/2005
Address	Suite 1002637 S 158th Plaza Omaha, NE 68130-1703 UNITED STATES

Attorney information	KATHY J. KIRSCHBAUM KOLEY JESSEN P.C. ONE PACIFIC PLACE SUITE 8001125 S 103RD STREET OMAHA, NE 68124-1079 UNITED STATES kkirs@koleyjessen.com, ip@koleyjessen.com Phone:402-343-3702
-----------------------------	---

Applicant Information

Application No	78527037	Publication date	09/13/2005
Opposition Filing Date	11/08/2005	Opposition Period Ends	11/12/2005
Applicant	poochie mama inc 2416 columbus blvd coral gables, FL 33134		

UNITED STATES

Goods/Services Affected by Opposition

Class 018.

All goods and services in the class are opposed, namely: Garments for pets and pet collars and leashes

Class 025.

All goods and services in the class are opposed, namely: Apparel, namely, hats, shirts, shorts, pants, underwear, belts, jackets and socks

Attachments	ttab.pdf (2 pages)
--------------------	----------------------

Signature	/kjk/
Name	KATHY J. KIRSCHBAUM
Date	11/08/2005

3. Opposer is the owner of U.S. Registration Nos. 2,817,121 and 1,493,123 for Opposer's Mark, which are valid and in force.

4. On December 3, 2004, Applicant filed an application to register the mark "POOCHIE MAMA" which Applicant intends to use with garments for pets and pet collars and leashes and apparel, namely, hats, shirts, shorts, pants, underwear, belts, jackets and socks (collectively, "Applicant's Goods").

5. Applicant's Mark was published for opposition on September 13, 2005.

6. Applicant's Mark, which is used in connection with Applicant's Goods, so closely resembles Opposer's Mark used in connection with Opposer's Goods as to be likely to cause confusion, to cause mistake and to deceive and, therefore, registration should be refused under Section 2(d) of the Lanham Act.

WHEREFORE, Opposer requests that Application Serial No. 78/527,037 be denied and this Opposition be sustained.

This Notice of Opposition is filed in duplicate, together with the government filing fee of \$300 for each class. Please charge any deficiency in filing fees to Deposit Account No. 50-0771.

Dated: November 8, 2005

SERGEANT'S PET CARE PRODUCTS, INC.

By: K. Kirschbaum

Kathy J. Kirschbaum #21630

Mark J. Peterson #18850

Koley Jessen P.C.,

A Limited Liability Organization

1125 South 103 Street, Suite 800

Omaha, NE 68124

Telephone: (402) 390-9500

Fax: (402) 390-9005

kathy.kirschbaum@koleyjessen.com

Attorneys for Opposer