

ESTTA Tracking number: **ESTTA71086**

Filing date: **03/15/2006**

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	Poulin Grain, Inc.
Granted to Date of previous extension	03/18/2006
Address	24 Railroad Square Newport, VT 05855 UNITED STATES

Attorney information	Andrew D. Manitsky Gravel and Shea 76 St. Paul Street, P.O. Box 369 Burlington, VT 05402-0369 UNITED STATES amanitsky@gravelshea.com Phone:802-658-0220
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Applicant Information

Application No	78467466	Publication date	01/17/2006
Opposition Filing Date	03/15/2006	Opposition Period Ends	03/18/2006
International Registration No.	NONE	International Registration Date	NONE
Applicants	Trustee for the AAT Trust, an Australian trust, comprising Environmental Resource Management (Qld) Pty Ltd. P.O. Box 764 Kenmore, Queensland, 4069 AUSTRALIA Trustee for ICD Trust, an Australian trust, comprising International Consultancy Development Pty Ltd. Glover Road Dayboro, Queensland, 4521 AUSTRALIA		

Goods/Services Affected by Opposition

Class 005. Opposed goods and services in the class: vitamin preparations and dietetic supplements including vitamin preparations and dietetic supplements for animals; dietetic foods adapted for medical use including dietetic foods for animals;
Class 031. All goods and services in the class are opposed, namely: Foodstuffs for animals, animal feed, stock feed and livestock feed; fodder, namely hay and lucerne; horse feeds; grains for animal consumption; protein being foodstuffs for animal consumption; animal feed supplements

Attachments	Poulin.pdf (2 pages)
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Signature	/Andrew D. Manitsky/
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Name	Andrew D. Manitsky
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Date	03/15/2006
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Applicant: TRUSTEE FOR ICD TRUST and
TRUSTEE FOR THE AAT TRUST

International Class: 005/031

Serial No: 78/467,466

Published for Opposition: January 17, 2006

Filed: August 13, 2004

Mark: EQUIPRO

Goods: Animal Supplements and Foodstuffs for Animals

POULIN GRAIN, INC.

Opposer,

v.

TRUSTEE FOR ICD TRUST and
TRUSTEE FOR THE AAT TRUST,
Applicants.

Opposition No. _____

NOTICE OF OPPOSITION

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Burlington, Vermont
March 15, 2006

TO THE COMMISSIONER FOR TRADEMARKS
TRADEMARK TRIAL AND APPEAL BOARD:

Poulin Grain, a Vermont corporation having a place of business at 24 Railroad Square, Newport, Vermont 05855 (“Opposer”), believes that it will be damaged by registration of the mark shown by Application Serial No. 78/467,466, filed August 13, 2004, and published for opposition on January 17, 2006, and hereby opposes same.

As grounds for the opposition, Opposer alleges as follows:

1. On information and belief, Trustee for the ICD Trust and Trustee for the AAT Trust (collectively, “Applicants”) are Australian trusts located in Queensland, Australia.

2. Opposer has used the mark EQUI-PRO in association with animal foodstuffs continuously since July 2002, which is prior to any date upon which Applicants can rely.

3. Opposer will be damaged by the registration sought by Applicants insofar as the presumptions afforded a certificate of registration (including *prima facie* evidence of validity and exclusive right to use in connection with the claimed services) will confer rights to which Applicants are not entitled by virtue of Opposer’s prior and continuous use of the mark.

4. Applicants’ proposed mark EQUIPRO is confusingly similar to Opposer’s mark EQUI-PRO, and so resembles Opposer’s mark with respect to the same and similar goods, as to be likely to cause confusion or to cause mistake or to deceive within the meaning of Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

5. Based upon the foregoing, registration of the mark shown by U.S. Application Serial No. 78/467,466 is likely to cause injury to and damage Opposer.

WHEREFORE, Opposer respectfully requests that this Opposition be sustained, and that the registration of the mark shown by U.S. Application Serial No. 78/467,466 be refused and denied pursuant to Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

Please direct all correspondence to Andrew D. Manitsky at amanitsky@gravelshea.com, and all telephone calls to Andrew D. Manitsky at (802) 658-0220 x222.