



June 13, 2008

**United States Patent and Trademark Office
 Trademark Trial and Appeal Board
 Angela Lykos/Interlocutory Atty.
 Post Office Box 1451
 Alexandria, VA 22313-1451**

**Re: Pet Friendly Travel, LLC
 Vs**

76511536

**Pet Friendly and Pet Friendly Hotels and Travel. Opposition No.
 91176281**

This letter to the United States Department of Commerce/Patent and Trademark Office is for the purpose of establishing on record, the circumstances surrounding Opposition No. 91176281. Where Pet Friendly, Inc., a 17 year old Alabama manufacturer of pet supplies and the largest data base of hotels that accept pets since 1995....unnecessarily applied for a trademark in Class 43 (hotels).

The Department of Commerce/Patent and Trademark Office statement and rules published under: BASIC FACTS ABOUT REGISTERING A TRADEMARK...clearly states in paragraph two under heading: ESTABLISHING TRADEMARK RIGHTS states: Generally, the first party who either uses a mark in commerce or files an application in the PTO, has the ultimate rights to register that mark.

Pet Friendly, Inc., holds the trademark Pet Friendly in several classes for several years and is a Wal Mart vendor of record for 17 years under the name brand PET FRIENDLY.

Pet Friendly, originally established as a pet shelter/hotel in 1992, had no need to certificate Pet Friendly Hotels and Travel at the time of sheltering unwanted animals...especially as a manufacturer of pet supplies.



06-23-2008

U.S. Patent & Trademark Office
 U.S. Patent & Trademark Office

Page Two

Opposition No. 91176281

June 13, 2008

Long before the internet/web sites came into use, Pet Friendly licensed Mobile Oil and their travel directory to use our name PET FRIENDLY AND PARTICULARY, PET FRIENDLY HOTELS.

Today (see attached) after making application for class 43 at Pet Friendly Hotels and Travel, Pet Friendly Travel, LLC and Hotel Guides issued an opposition.

Pet Friendly, Inc., did not seek legal advise, for there was no need to accommodate the opposition for Pet Friendly was already trademarked...it would be like HOLIDAY INN applying for HOLIDAY INN HOTELS AND TRAVELS...there simply was no need.

Due to the ignorance of most web users...especially where entities like Go Daddy and Google, blatantly issue trademarked names to anyone who pays the fee to operate as PET FRIENDLY.

The perpetually ignorant and slow Federal government took no action to protect American Businesses during the birth of the internet, especially since the trademark act originally served to protect the investment of small business with such marks.

Once again our government has failed in COMMON SENSE on the issue. Since it is evident, this case will cause such confusion for a small company who has the trademark PET FRIENDLY...a federal case will surface.

Page Three
Opposition No. 91176281
June 13, 2008

In light of the fact, the attached ruling was issued without the following substance and effidence to support its action/ruling:

- 1. Pet Friendly, Inc., owns the trademark Pet Friendly.**
- 2. Pet Friendly Travels, LLC was never licensed to operate by Pet Friendly Inc., and applied for a trademark after Pet Friendly, Inc.**
- 3. No deposition/discovery was done by either party to show first use (before the internet).**
- 4. Pet Friendly, Inc., was first to file for said mark in class 43.**
- 5. A judgment was ruled against the applicant Pet Friendly, which is against the law without discovery and a court hearing.**
- 6. Finally, the federal government took monies from Pet Friendly, Inc., and never issued the certificate...which is mail fraud.**

With prejudice,


Charles W. Weinacker, Jr.

Vice President

Pet Friendly, Inc.

President

Pet Friendly Hotels and Travel

President

Pet Friendly Franchise, Inc.



Basic Facts About Registering A Trademark

What is a Trademark?

A TRADEMARK is either a word, phrase, symbol or design, or combination of words, phrases, symbols or designs, which identifies and distinguishes the source of the goods or services of one party from those of others. A service mark is the same as a trademark except that it identifies and distinguishes the source of a service rather than a product. Throughout this booklet the terms "trademark" and "mark" are used to refer to both trademarks and service marks whether they are word marks or other types of marks. Normally, a mark for goods appears on the product or on its packaging, while a service mark appears in advertising for the services.

A trademark is different from a copyright or a patent. A copyright protects an original artistic or literary work; a patent protects an invention. For copyright information call the Library of Congress at (202) 707-3000.

Establishing Trademark Rights

Trademark rights arise from either (1) actual use of the mark, or (2) the filing of a proper application to register a mark in the Patent and Trademark Office (PTO) stating that the applicant has a bona fide intention to use the mark in commerce regulated by the U.S. Congress. (See below, under "Types of Applications," for a discussion of what is meant by the terms commerce and use in commerce.) Federal registration is not required to establish rights in a mark, nor is it required to begin use of a mark. However, federal registration can secure benefits beyond the rights acquired by merely using a mark. For example, the owner of a federal registration is presumed to be the owner of the mark for the goods and services specified in the registration, and to be entitled to use the mark nationwide.

There are two related but distinct types of rights in a mark: the right to register and the right to use. Generally, the first party who either uses a mark in commerce or files an application in the PTO has the ultimate right to register that mark. The PTO's authority is limited to determining the right to register. The right to use a mark can be more complicated to determine. This is particularly true when two parties have begun use of the same or similar marks without knowledge of one another and neither has a federal registration. Only a court can render a decision about the right to use, such as issuing an injunction or awarding damages for infringement. It should be noted that a federal registration can provide significant advantages to a party involved in a court proceeding. The PTO cannot provide advice concerning rights in a mark. Only a private attorney can provide such advice.

Unlike copyrights or patents, trademark rights can last indefinitely if the owner continues to use the mark to identify its goods or services. The term of a federal trademark registration is 10 years, with 10-year renewal terms. However, between the fifth and sixth year after the date of initial registration, the registrant must file an affidavit setting forth certain information to keep the registration alive. If no affidavit is filed, the registration is canceled.

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

vb

Mailed: June 4, 2008

Opposition No. 91176281

Pet Friendly Travel, LLC

v.

Pet Friendly Hotels and
Travels

Angela Lykos, Interlocutory Attorney

On April 1, 2008, applicant filed a withdrawal of attorney indicated that it will be represented by Stacie K. Smith. Accordingly, the Board records have been updated accordingly.¹

The Board notes that on May 30, 2008, the involved application in this case (Serial No. 76511536) was ordered abandoned pursuant to the Board's determination in another Board proceeding -- Opposition No. 91176310.

Opposer is therefore allowed until thirty days from the mailing date of this order to indicate whether it would like to obtain judgment against applicant in this proceeding, failing which the case will be dismissed, and the application will stand abandoned.

¹ In view of the above decision, the show cause order is hereby moot.

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

lms

Mailed: May 30, 2008

Opposition No. 91176310

Hotel-Guides.us, Inc.

v.

Pet Friendly Hotels and

Travels

Opposer's motion for discovery sanctions (filed April 17, 2008) is hereby granted as conceded. See Trademark Rules 2.120(g) and 2.127(a).

Accordingly, judgment is hereby entered against applicant, the opposition is sustained, and registration to applicant is refused.

*By the Trademark Trial
and Appeal Board*



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451
www.uspto.gov

May 30, 2008

NOTICE OF ABANDONMENT

Stacie K. Smith

451 Pecan Avenue
Fairhope, AL 36532

TM115

ATTORNEY
REFERENCE
NUMBER:

SERIAL NUMBER: 76/511536
MARK: PET FRIENDLY HOTELS & TRAVELS
APPLICANT: Pet Friendly Hotels and Travels

THE ABOVE IDENTIFIED TRADEMARK APPLICATION WAS ABANDONED
ON 05/30/2008 FOR THE FOLLOWING REASON:

AS A RESULT OF THE TRADEMARK TRIAL AND APPEAL BOARD
PROCEEDINGS, THE ABOVE IDENTIFIED APPLICATION STANDS
ABANDONED.

Opposition No. 91176281

Proceedings otherwise remain suspended.

NEWS FROM THE TTAB:

The USPTO published a notice of final rulemaking in the Federal Register on August 1, 2007, at 72 F.R. 42242. By this notice, various rules governing Trademark Trial and Appeal Board inter partes proceedings are amended. Certain amendments have an effective date of August 31, 2007, while most have an effective date of November 1, 2007. For further information, the parties are referred to a reprint of the final rule and a chart summarizing the affected rules, their changes, and effective dates, both viewable on the USPTO website via these web addresses:

<http://www.uspto.gov/web/offices/com/sol/notices/72fr42242.pdf>

[http://www.uspto.gov/web/offices/com/sol/notices/72fr42242 FinalRuleChart.pdf](http://www.uspto.gov/web/offices/com/sol/notices/72fr42242%20FinalRuleChart.pdf)

By one rule change effective August 31, 2007, the Board's standard protective order is made applicable to all TTAB inter partes cases, whether already pending or commenced on or after that date. However, as explained in the final rule and chart, this change will not affect any case in which any protective order has already been approved or imposed by the Board. Further, as explained in the final rule, parties are free to agree to a substitute protective order or to supplement or amend the standard order even after August 31, 2007, subject to Board approval. The standard protective order can be viewed using the following web address:

<http://www.uspto.gov/web/offices/dcom/ttab/tbmp/stndagmnt.htm>

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http://www.uspto.gov/web/offices/com/sol/notices/72fr42242_FinalRuleChart.pdf

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