

ESTTA Tracking number: **ESTTA231173**

Filing date: **08/18/2008**

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 parties oppose registration of the indicated application.

**Opposers Information**

Name	Intervet International SA Corporation c/o Intervet Inc.
Granted to Date of previous extension	08/17/2008
Address	102 Route de Noisy Romainville, 93230 FRANCE

Name	Intervet Inc.
Granted to Date of previous extension	08/17/2008
Address	29160 Intervet Lane Millsboro, DE 19966-0318 UNITED STATES

Name	Intervet International B.V. c/o Intervet Inc.
Granted to Date of previous extension	08/17/2008
Address	Wim de Korverstraat 35 Boxmeer, NL-5831 AN NETHERLANDS

Attorney information	Michelle Mancino Marsh Kenyon & Kenyon LLP One Broadway New York, NY 10004 UNITED STATES tmdocketny@kenyon.com
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**Applicant Information**

Application No	77222426	Publication date	02/19/2008
Opposition Filing Date	08/18/2008	Opposition Period Ends	08/17/2008
Applicant	Investigaciones Farmaceuticas y Veterinarias, S.L. Macia Vila 1 - 3 - B. Reus, 43205 SPAIN		

**Goods/Services Affected by Opposition**

Class 005.

All goods and services in the class are opposed, namely: Veterinary vaccines; veterinary preparations, namely, antibacterial pharmaceuticals, antiparasitics, local anesthetics, anti-inflammatory preparations and antipyretic preparations; and dietary and nutritional supplements for animals

## Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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## Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	1600300	Application Date	08/18/1989
Registration Date	06/12/1990	Foreign Priority Date	NONE
Word Mark	REVALOR		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 005. First use: VETERINARY PRODUCTS, NAMELY, COMPOSITIONS FOR INCREASING THE WEIGHT OF FEED ANIMALS		

Attachments	Notice of Opposition - REVEEX.pdf ( 6 pages )(183895 bytes )
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## Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/MEM/
Name	Matthew E. Moersfelder
Date	08/18/2008

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

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INTERVET INTERNATIONAL SA CORPORATION, :  
INTERVET INC. and :  
INTERVET INTERNATIONAL B.V, :  
:  
Opposers, : Opposition No. \_\_\_\_\_  
:  
v. :  
:  
INVESTIGACIONES FARMACEUTICAS Y :  
VETERINA RIAS, S.L., :  
:  
Applicant. :  
:  
-----X

**NOTICE OF OPPOSITION**

Intervet International SA Corporation, Intervet Inc. and Intervet International B.V. (collectively referred to as “Intervet” or “Opposer”), through its undersigned counsel, hereby opposes trademark Application Serial No. 77/222,426, filed on July, 5 2007 (“the ‘426 Application”), by Investigacioes Farmaceuticas Y Veterina Rias, S.L. (“Applicant”) for registration of the alleged mark REVEEX in International Class 5 for “[v]eterinary vaccines; veterinary preparations, namely, antibacterial pharmaceuticals, antiparasitics, local anesthetics, anti-inflammatory preparations and antipyretic preparations; and dietary and nutritional supplements for animals” (collectively, “Applicant’s Goods and Services”).

Intervet International SA Corporation, a company organized under the laws of the Netherlands with a principal place of business at Wim de Korverstratt 35, Boxmeer, NL-5831 AN, Netherlands; Intervet Inc., a Delaware corporation with its principal place of business at 29160 Intervet Lane, Lillsboro, Delaware; and Intervet International B.V., a company organized

under the laws of France with a principal place of business at 102 Route de Noisy, Romaineville, 93230, France, believe they will be damaged by registration of the alleged REVEEX mark as sought with the filing and prosecution of the '426 Application. As explained more fully below, Intervet opposes registration of the '426 Application on the basis that (1) use by Applicant of the alleged REVEEX mark in connection with Applicant's Goods and Services, as proposed, would create confusion, mistake and deception with many marks, both registered and unregistered, owned by Intervet for a wide variety of goods and services in the veterinary industry; and (2) use by Applicant of the alleged REVEEX mark would dilute the distinctive quality of famous marks owned by Intervet.

1. Intervet is a world leader in the development, manufacture, and sale of animal health products including animal vaccines, veterinary devices, and feed additives. Intervet has been continuously engaged in providing high quality veterinary products under the trademark REVALOR in the United States since at least as early as the 1990, as evidenced in part by United States Registration No. 1,600,300. As a result of Opposer's extraordinary efforts, Opposer's products offered under the mark REVALOR have grown to become some of the premier and most highly recognized and respected veterinary products on the market.

2. In addition to its widely recognized and well-known REVALOR trademark, Opposer owns many well-known trademarks which comprise or include all or a portion of the word REVALOR, including without limitation REVALOR-XS, REVALOR H, REVALOR S, REVALOR 200, and other REV-prefix marks. Opposer's REVALOR mark combined with its family of other REVALOR related marks are collectively referred to herein as "Opposer's Marks."

3. Opposer actively and prominently features Opposer's Marks in widespread and ongoing nationwide and regional advertising campaigns, as well as on each of its associated products and promotional goods and materials, thus entitling Opposer to a wide scope of protection for Opposer's Marks. As a result of Opposer's enormous investment in advertising, marketing and promotion, and its widespread use of Opposer's Marks, as well as extensive publicity and news coverage generated by third-parties, the public and trade have come to associate Opposer's Marks with the aircraft, aviation and air transportation industry, and related goods and services, emanating exclusively from Opposer. As a result, Opposer's Marks are "famous" as defined under 15 U.S.C. § 1125(c)(1).

4. Opposer's Marks were in use long prior to any use of the alleged mark which is the subject of the '426 Application, and in fact were already famous at the time Applicant applied to register REVEEX.

5. Upon information and belief, Applicant is a veterinary pharmaceutical manufacturing company based in Reus, Spain. Upon information and belief, Applicant intends to provide veterinary pharmaceutical products and dietary and nutritional supplements for animals in Class 5 within the United States under the alleged mark REVEEX as applied for in the '426 Application.

6. Upon information and belief, Applicant intends to use REVEEX in connection with services closely related to the goods and services with which Opposer uses Opposer's Marks, and to market those services to the identical customers and through identical channels of trade as those of Opposer.

7. In light of the foregoing, Applicant's alleged REVEEX mark so resembles Opposer's Marks as to be highly likely to create confusion, mistake or deception as to the source of Applicant's Goods and Services, in violation of 15 U.S.C. § 1052(d). If Applicant is permitted to use and register REVEEX in Class 5, such use and registration would likely cause confusion based on the significant similarities between the respective marks and the closely related nature of the parties' respective goods and services. Accordingly, a grant of registration of the mark in Applicant's '426 Application in Class 5 would cause irreparable damage to Opposer.

8. Moreover, Applicant's alleged REVEEX mark, used in connection with Applicant's intended Goods and Services, would dilute the distinctive quality of Opposer's Marks, which are famous, and would tarnish the fine reputation of Opposer's brand and Opposer's Marks, thereby causing additional irreparable damage to Opposer.

9. Opposer reserves the right to amend its Notice of Opposition in accordance with applicable Trademark Rules of practice.

10. The statutory fee of six hundred dollars (\$300.00), and any additional required fees, should be charged to the undersigned's Deposit Account No. 11-0600.

WHEREFORE, Opposer prays that Application Serial No. 77/222,426 be rejected, and that the registration of the mark therein sought be denied and refused, and that this Opposition be sustained.

Dated: August 18, 2008  
New York, New York

Respectfully submitted,

KENYON & KENYON LLP

By: 

Michelle Mancino Marsh

Matthew E. Moersfelder

One Broadway

New York, New York 10004-1007

Tel. 212-425-7200

Fax 212-425-5288

Attorneys for Opposers

Intervet International SA Corporation,

Intervet Inc. and

Intervet International B.V.

**CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of Opposer's *Notice of Opposition* against U.S. Trademark Application Serial No. 77/222,426 was served by first class mail on the following counsel on this 18th day of August, 2008:

JENNIFER PARKINS RABIN  
AKERMAN SENTERFITT  
222 LAKEVIEW AVENUE, FOURTH FLOOR  
WEST PALM BEACH, FL 33401-6183  
*Applicant's Correspondence*  
*Address of Record*

  
Matthew E. Moersfelder