

ESTTA Tracking number: **ESTTA250129**

Filing date: **11/20/2008**

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	Admar International, Inc.
Granted to Date of previous extension	11/29/2008
Address	3030 Aurora Avenue Monroe, LA 71203 UNITED STATES

Name	Luv N' Care, Ltd.
Granted to Date of previous extension	11/29/2008
Address	3030 Aurora Avenue Monroe, LA 71203 UNITED STATES

Attorney information	Morris E. Cohen Law Office of Morris E. Cohen, P.C. One Penn Plaza, Ste. 2527 New York, NY 10119 UNITED STATES mcohen@ipcases.com Phone:212-244-4111 x226
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**Applicant Information**

Application No	77315697	Publication date	09/30/2008
Opposition Filing Date	11/20/2008	Opposition Period Ends	11/29/2008
Applicant	Tarlow, Kenneth A. 21 Golden Hind Passage Corte Madera, CA 94925 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 010. First Use: 2006/11/05 First Use In Commerce: 2006/11/05 All goods and services in the class are opposed, namely: Pacifier holder
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**Grounds for Opposition**

Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

## Mark Cited by Opposer as Basis for Opposition

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	PACI-PALS		
Goods/Services	Pacifiers		

Attachments	PACI-PALS Notice of Opposition (as filed 11-20-08).pdf ( 4 pages )(34020 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	/morris cohen/
Name	Morris E. Cohen
Date	11/20/2008

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

ADMAR INTERNATIONAL, INC., and  
LUV N' CARE, LTD.

Opposers,

v.

KENNETH A. TARLOW,

Applicant.

Opposition No.:

Serial No. 77315697

Attorney Docket No. 4009.152.201

**NOTICE OF OPPOSITION**

Opposers Admar International, Inc. ("Admar") and Luv n' care, Ltd. ("Luv n' care") (collectively, "Opposers") believe that they will be damaged by the registration of the mark PACI-PAL, shown in U.S. Trademark Application No. 77315697, and therefore oppose Applicant's registration of that mark. The grounds for this Opposition are as follows:

1. U.S. Trademark Application No. 77315697 was filed by Kenneth Tarlow ("Applicant") in International Class 10 on October 29, 2007, and was published for opposition on September 30, 2008.
2. Opposer Admar International Inc. ("Admar") is a corporation of the State of Delaware with a place of business at 3030 Aurora Avenue, Monroe, Louisiana 71201.
3. Opposer Luv n' care, Ltd. ("Luv n' care") is a corporation of the State of Louisiana with a place of business at 3030 Aurora Avenue, Monroe, Louisiana 71201.
4. Luv n' care sells goods under the PACI-PALS mark throughout the United States under rights from Admar, and has a direct and personal stake in the outcome of this proceeding.

5. Opposers have used the PACI-PALS mark on infant pacifiers sold in interstate commerce.
6. Since commencing use of the PACI-PALS mark in 1998, Opposers have generated, and continue to generate, substantial revenue from the sale of goods under their mark in the United States.
7. Likewise, substantial sums of money, time, and effort have also been expended in promoting and popularizing Opposers' PACI-PALS pacifier goods.
8. As a result of Opposers' use of the PACI-PALS mark and the promotion of goods sold in connection therewith, the PACI-PALS mark has become well known in the United States and is recognized as identifying Opposer's high-quality products and services. The PACI-PALS mark and its associated goodwill are valuable assets of Opposers.
9. PACI-PALS is a famous mark for infant pacifiers.
10. In the present trademark application, Applicant has applied to register the mark PACI-PAL for Pacifier Holders in Class 10.
11. The mark and goods described in Applicant's trademark application are so closely related to Opposers' mark and goods such that confusion is likely between those two marks.
12. Applicant's mark so resembles Opposers' mark previously used by Opposers throughout the United States, as to be likely, when used on or in connection with the goods of Applicant, to cause confusion, or to cause mistake, or to deceive.
13. The trade and purchasing public are likely to be misled into believing that goods marketed under Applicant's proposed PACI-PAL trademark originate with or are otherwise authorized by, sponsored by, licensed by, or associated with Opposers.
14. Registration of PACI-PAL for the goods described in Applicant's application is also likely to dilute the distinctive quality of Opposers' famous PACI-PALS mark.
15. By reason of all of the foregoing, Opposers would be greatly damaged by registration of the

mark PACI-PAL to Applicant.

WHEREFORE, Opposers pray that this Opposition be sustained, and that Applicant's mark be refused registration.

Please direct all correspondence to Opposers' attorneys listed below.

Dated: November 20, 2008

Respectfully submitted,

/morris cohen/

Morris E. Cohen (Reg. No. 39,947)  
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Attorney for Opposers Admar International  
Inc., and Luv n' care, Ltd.

**CERTIFICATE OF SERVICE**

I hereby certify that on November 20, 2008, a true and correct copy of the foregoing **Notice of Opposition** was served via first class mail on counsel of record for Opposers at the following address:

Karla C. Shippey, Esq.  
Law Offices of Karla Shippey  
4848 Lakeview Ave Ste E  
Yorba Linda, CA 92886-3452

Dated: November 20, 2008

By: /morris cohen/

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Morris E. Cohen