

ESTTA Tracking number: **ESTTA691330**

Filing date: **08/24/2015**

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

Proceeding	91215542
Party	Defendant Biosensory, Inc.
Correspondence Address	LORA A BRZEZYNSKI DENTONS US LLP 1900 K STREET NW WASHINGTON, DC 20006 UNITED STATES lora.brzezynski@dentons.com, alanna.clair@dentons.com
Submission	Answer
Filer's Name	Alanna Clair
Filer's e-mail	alanna.clair@dentons.com
Signature	/Alanna Clair/
Date	08/24/2015
Attachments	DC-#51251398-v3-BioSensory_-_Answer.pdf(117463 bytes)

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

CONSEAL INTERNATIONAL)	
INCORPORATED,)	
)	Opposition No. 91215542
Opposer,)	
)	Application Serial No. 86/051,702
v.)	
)	Mark: CONCEAL
BIOSENSORY, INC.)	
)	
Applicant)	

ANSWER TO NOTICE OF OPPOSITION

BioSensory, Inc.¹ (“Applicant”), by and through counsel, answers the Notice of Opposition (“Opposition”) filed by ConSeal International Incorporated (“Opposer”). Applicant denies any allegations in the headings unless expressly admitted below. In response to the specific allegations of the Opposition, Applicant states:

1. Applicant lacks sufficient knowledge or information to admit or deny the allegations in Paragraph 1 and therefore denies them.
2. Applicant admits that Opposer is the owner of record for the two registrations identified in Paragraph 2.
3. Applicant denies Paragraph 3 to the extent it suggests that United States Trademark Registration Nos. 3,371,348 and 3,433,690 are registered in connection with any goods or services other than those specifically identified in the registrations. (Registrations attached as Exhibits A & B.) Applicant denies Paragraph 3 to the extent that Opposer intends to define “CONSEAL mark” as broader than United States Trademark Registration Nos. 3,371,348

¹ The Notice of Opposition as filed indicates that Applicant has an address in Germany. However, BioSensory, Inc. is located in Putnam, Connecticut, in the United States.

and 3,433,690. Applicant lacks sufficient knowledge or information to admit or deny the remaining allegations in Paragraph 3 and therefore denies them.

4. Applicant denies Paragraph 4 to the extent that Opposer intends to define “CONSEAL mark” as broader than United States Trademark Registration Nos. 3,371,348 and 3,433,690. Applicant lacks sufficient knowledge or information to admit or deny the remaining allegations in Paragraph 4 and therefore denies them.

5. Applicant denies Paragraph 5 to the extent that Opposer intends to define “CONSEAL mark” as broader than United States Trademark Registration Nos. 3,371,348 and 3,433,690. Applicant lacks sufficient knowledge or information to admit or deny the remaining allegations in Paragraph 5 and therefore denies them.

6. Applicant denies Paragraph 6 to the extent that Opposer intends to define “CONSEAL mark” as broader than United States Trademark Registration Nos. 3,371,348 and 3,433,690. Applicant lacks sufficient knowledge or information to admit or deny the remaining allegations in Paragraph 6 and therefore denies them.

7. Applicant denies Paragraph 7 to the extent that Opposer intends to define “CONSEAL mark” as broader than United States Trademark Registration Nos. 3,371,348 and 3,433,690. Applicant lacks sufficient knowledge or information to admit or deny the remaining allegations in Paragraph 7 and therefore denies them.

8. Applicant admits that it filed Application Serial No. 86/051,702 on August 29, 2013 for the mark CONCEAL. It avers that it applied for the mark in International Class 5 in connection with the following: “insect inhibitor in candle form.” (Exhibit C.) Applicant admits that the application was published for opposition on January 21, 2014 and that Opposer had been granted an extension of time to oppose. Applicant further notes that it owns additional rights in

the mark CONCEAL, including by means of Registration No. 3,292,890, which was registered on September 18, 2007 in connection with “candles” in International Class 4. (Registration attached as Exhibit D.) Applicant additionally filed Registration No. 2,948,324, which was registered on May 10, 2005 in connection with “Insect inhibitor, namely, a chemical repellent for inhibiting insects” in International Class 5. (Attached as Exhibit E.)

9. Applicant denies the allegations in Paragraph 9 to the extent such facts are inconsistent with those contained in Opposer’s identified trademark registrations. Applicant admits that Application Serial No. 86/051,702 was filed on August 29, 2013 and claims use in commerce as of May 30, 2000. Applicant denies that “[t]here is no issue as to priority.” Applicant denies all remaining allegations in Paragraph 9.

10. Applicant denies the allegations in Paragraph 10 as vague and ambiguous.

11. Applicant admits the allegations in Paragraph 11 but denies that such permission is necessary for the registration of the CONCEAL application.

12. Denied.

13. Denied.

14. Denied. Further, Applicant avers that it is not aware of any purchasers or consumers attributing the source of sponsorship of Applicant’s Goods to Opposer in the many years that Applicant and Opposer have coexisted in the marketplace.

15. Denied.

As to the unnumbered paragraphs of the Opposition, Applicant denies all allegations and denies that Opposer is entitled to the requested relief.

GENERAL DENIAL

Applicant denies each and every allegation contained in the Opposition that is not specifically admitted to be true.

DEFENSES

Applicant asserts that the following defenses and facts bar Opposers' requested relief in its Notice of Opposition. Applicant reserves the right to raise additional defenses and plead counterclaims if the same are warranted based on facts learned in discovery or upon further investigation.

FIRST DEFENSE

The Opposition fails to state a claim upon which relief can be granted.

SECOND DEFENSE

There is no likelihood of confusion, mistake, or deception because, *inter alia*, Applicant's mark and the pled registrations of Opposer are not confusingly similar or likely to cause confusion. *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 177 USPQ 563 (C.C.P.A. 1973). CONCEAL is unique and distinctive from CONSEAL. The marks are different from each other in wording, appearance, spelling, and connotation. Applicant's mark and Opposer's mark create different commercial impressions and involve different, unrelated goods and services. The literal elements of the two marks indicate that they represent different goods; CONSEAL relates to water-based sealants and CONCEAL relates to a user's effort to conceal his or her scent from insects. Applicant's services and Opposer's services are not marketed through the same channels of trade or with the same price points. The CONSEAL registrations are registered in different International Classes and in connection with different goods and services than the CONCEAL application. Applicant's mark and Opposer's mark are not likely to

cause confusion, mistake, or deception to purchaser as to the source of Applicant's goods or services. There is no evidence of actual customer confusion.

THIRD DEFENSE

Opposer's claims are barred under the *Morehouse* or prior registration doctrine, in view of Applicant's valid and incontestable registration for the substantially identical mark CONCEAL for substantially the same goods and services as that of the contested mark, namely candles, as displayed in U.S. Registration No. 3,292,890. (Registration attached as Exhibit D.)

FOURTH DEFENSE

Opposer is not and will not be damaged by the issuance of a registration based on Applicant's mark.

FIFTH DEFENSE

Applicant and Opposer have been operating their respective businesses concurrently for many years in the absence of any marketplace confusion alleged by Opposer or any objection asserted by Opposer. Indeed, Applicant has been using the CONCEAL mark in connection with the applied-for goods and services since May 30, 2000 without any evidence of confusion among potential or actual consumers or objection by Opposer. Applicant has also been developing consumer recognition and goodwill in its CONCEAL mark since at least as early as May 30, 2000.

SIXTH DEFENSE

As a result of Applicant's continuous use of the CONCEAL mark since the time of Applicant's adoption thereof, the CONCEAL mark has developed significant goodwill among the consuming public and consumer acceptance of the goods offered by Applicant in conjunction with the CONCEAL mark. Such goodwill and widespread usage has caused the CONCEAL

mark to acquire distinctiveness with respect to Applicant and caused the CONCEAL mark to become a valuable asset of Applicant.

SEVENTH DEFENSE

Opposer's claims are barred by additional defenses that may arise during the course of this Opposition, which Applicant reserves the right to assert.

WHEREFORE, Applicant respectfully requests that this Board dismiss the Opposition and approve the registration of Applicant's Mark.

Dated: August 24, 2015

DENTONS US LLP

By: /Alanna G. Clair/
Lora A. Brzezynski
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Alanna G. Clair
alanna.clair@dentons.com
1900 K Street, NW
Washington, DC 20006
(202) 496-7500
(202) 496-7756 (fax)

*Attorneys for Applicant,
BioSensory, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that on August 24, 2015, the foregoing was filed electronically with the TTAB and mailed via U.S. first class mail and emailed per stipulation to the following:

Joshua D. Martin, Esq.
JOHNSON & MARTIN, P.A.
500 W. Cypress Creek Road
Suite 430
Fort Lauderdale, Florida 33309
josh.martin@johnsonmartinlaw.com

Attorney for Opposer,
ConSeal International Incorporated

/Alanna G. Clair/
Alanna G. Clair

Exhibit A

Generated on: This page was generated by TSDR on 2015-08-24 12:40:15 EDT

Mark: CONSEAL

CONSEAL

US Serial Number: 77012510 **Application Filing Date:** Oct. 03, 2006
US Registration Number: 3371348 **Registration Date:** Jan. 22, 2008
Register: Principal
Mark Type: Service Mark
Status: A Sections 8 and 15 combined declaration has been accepted and acknowledged.
Status Date: Jan. 25, 2014
Publication Date: Nov. 06, 2007

Mark Information

Mark Literal Elements: CONSEAL
Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.
Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (...) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks "*" identify additional (new) wording in the goods/services.

For: Research and development and consultation related thereto in the fields of chemistry; research and development of chemical compositions used in chemical and nutritional supplement products for custom manufacturing and private labeling; scientific and technical consulting and research services relating to chemicals and dietary supplements

International Class(es): 042 - Primary Class

U.S Class(es): 100, 101

Class Status: ACTIVE

Basis: 1(a)

First Use: Jun. 05, 1977

Use in Commerce: Jun. 05, 1977

Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: ConSeal International, Inc.
Owner Address: 90 Kerry Place, Suite 2
Norwood, MASSACHUSETTS 02062
UNITED STATES
Legal Entity Type: CORPORATION **State or Country Where Organized:** MASSACHUSETTS

Attorney/Correspondence Information

Attorney of Record

Attorney Name: James David Johnson **Docket Number:** 57997-0035
Attorney Primary Email Address: trademarks@johnsonmartinlaw.com **Attorney Email Authorized:** Yes

Correspondent

Correspondent: James David Johnson

Name/Address: Johnson & Martin, P.A.
500 W. Cypress Creek Road
Suite 430
Fort Lauderdale, FLORIDA 33309
UNITED STATES

Phone: 954-790-6690

Fax: 954-206-0013

Correspondent e-mail: trademarks@johnsonmartinlaw.com

Correspondent e-mail Yes
Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jan. 25, 2014	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Jan. 25, 2014	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	76985
Jan. 15, 2014	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	76985
Jan. 25, 2014	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	76985
Jan. 15, 2014	TEAS SECTION 8 & 15 RECEIVED	
Aug. 19, 2009	ATTORNEY REVOKED AND/OR APPOINTED	
Aug. 19, 2009	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Oct. 28, 2008	ATTORNEY REVOKED AND/OR APPOINTED	
Oct. 28, 2008	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Jan. 22, 2008	REGISTERED-PRINCIPAL REGISTER	
Nov. 06, 2007	PUBLISHED FOR OPPOSITION	
Oct. 17, 2007	NOTICE OF PUBLICATION	
Oct. 02, 2007	LAW OFFICE PUBLICATION REVIEW COMPLETED	76243
Oct. 02, 2007	ASSIGNED TO LIE	76243
Aug. 31, 2007	APPROVED FOR PUB - PRINCIPAL REGISTER	
Aug. 21, 2007	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Aug. 21, 2007	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Aug. 21, 2007	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Feb. 26, 2007	NON-FINAL ACTION E-MAILED	6325
Feb. 26, 2007	NON-FINAL ACTION WRITTEN	65720
Feb. 21, 2007	ASSIGNED TO EXAMINER	65720
Oct. 07, 2006	NOTICE OF PSEUDO MARK MAILED	
Oct. 06, 2006	NEW APPLICATION ENTERED IN TRAM	

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: TMEG LAW OFFICE 101

Date in Location: Jan. 25, 2014

Proceedings

Summary

Number of Proceedings: 1

Type of Proceeding: Opposition

Proceeding Number: [91215542](#)

Filing Date: Mar 21, 2014

Status: Pending

Status Date: Mar 21, 2014

Interlocutory Attorney: ROBERT COGGINS

Defendant**Name:** Biosensory, Inc.**Correspondent Address:** LORA A BRZEZYNSKI
DENTONS US LLP
1900 K STREET NW
WASHINGTON DC , 20006
UNITED STATES**Correspondent e-mail:** lora.brzezynski@dentons.com , alanna.clair@dentons.com**Associated marks**

Mark	Application Status	Serial Number	Registration Number
CONCEAL	Opposition Pending	86051702	

Plaintiff(s)**Name:** ConSeal International, Inc.**Correspondent Address:** JOSHUA D MARTIN
JOHNSON & MARTIN PA
500 W CYPRESS CREEK ROAD, SUITE 430
FORT LAUDERDALE FL , 33309
UNITED STATES**Correspondent e-mail:** trademarks@johnsonmartinlaw.com , josh.martin@johnsonmartinlaw.com**Associated marks**

Mark	Application Status	Serial Number	Registration Number
CONSEAL	Section 8 and 15 - Accepted and Acknowledged	77012510	3371348
CONSEAL	Section 8 and 15 - Accepted and Acknowledged	76661566	3433690

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Mar 21, 2014	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Mar 21, 2014	Apr 30, 2014
3	PENDING, INSTITUTED	Mar 21, 2014	
4	D MOT FOR EXT W/ CONSENT	Apr 15, 2014	
5	EXTENSION OF TIME GRANTED	Apr 15, 2014	
6	D MOT FOR EXT W/ CONSENT	Jun 23, 2014	
7	EXTENSION OF TIME GRANTED	Jun 23, 2014	
8	D MOT FOR EXT W/ CONSENT	Aug 27, 2014	
9	EXTENSION OF TIME GRANTED	Aug 27, 2014	
10	D MOT FOR EXT W/ CONSENT	Oct 24, 2014	
11	EXTENSION OF TIME GRANTED	Oct 24, 2014	
12	D MOT FOR EXT W/ CONSENT	Dec 22, 2014	
13	EXTENSION OF TIME GRANTED	Dec 22, 2014	
14	D MOT FOR EXT W/ CONSENT	Feb 13, 2015	
15	EXTENSION OF TIME GRANTED	Feb 13, 2015	
16	D MOT FOR EXT W/ CONSENT	May 19, 2015	
17	SUSPENDED	May 22, 2015	
18	D APPEARANCE / POWER OF ATTORNEY	Aug 13, 2015	

Exhibit B

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Mark: CONSEAL

CONSEAL

US Serial Number: 76661566 Application Filing Date: Jun. 14, 2006
US Registration Number: 3433690 Registration Date: May 27, 2008
Register: Principal
Mark Type: Trademark
Status: A Sections 8 and 15 combined declaration has been accepted and acknowledged.
Status Date: Jun. 12, 2014
Publication Date: Mar. 11, 2008

Mark Information

Mark Literal Elements: CONSEAL
Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.
Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (()) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: WATER-BASED SEALANTS FOR USE IN CONCRETE AND MASONRY APPLICATIONS SUCH AS MANHOLES, CONCRETE VAULTS, SEPTIC TANKS, CONCRETE PIPE, BOX CULVERTS, UTILITY VAULTS, BURIAL VAULTS, VERTICAL PANEL STRUCTURES, WALLS, FLOORS, BRIDGES, DECKS, AND DOCKS

International Class(es): 017 - Primary Class U.S Class(es): 001, 005, 012, 013, 035, 050
Class Status: ACTIVE
Basis: 1(a)
First Use: Dec. 31, 1984 Use in Commerce: Dec. 31, 1984

Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: Conseal International Incorporated
Owner Address: 90 Kerry Place, Suite 2
Norwood, MASSACHUSETTS 02062
UNITED STATES
Legal Entity Type: CORPORATION State or Country Where Organized: MASSACHUSETTS

Attorney/Correspondence Information

Attorney of Record

Attorney Name: James David Johnson Docket Number: 57997-0029
Attorney Primary Email Address: trademarks@johnsonmartinlaw.com Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: James David Johnson
Johnson & Martin, P.A.

500 West Cypress Creek Road
Suite 430
Fort Lauderdale, FLORIDA 33309
UNITED STATES

Phone: 9547906690

Correspondent e-mail: trademarks@johnsonmartinlaw.com

Correspondent e-mail Yes
Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jun. 12, 2014	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Jun. 12, 2014	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	76293
Jun. 12, 2014	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	76293
May 27, 2014	TEAS SECTION 8 & 15 RECEIVED	
Aug. 19, 2009	ATTORNEY REVOKED AND/OR APPOINTED	
Aug. 19, 2009	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Oct. 28, 2008	ATTORNEY REVOKED AND/OR APPOINTED	
Oct. 28, 2008	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
May 27, 2008	REGISTERED-PRINCIPAL REGISTER	
Mar. 11, 2008	PUBLISHED FOR OPPOSITION	
Feb. 20, 2008	NOTICE OF PUBLICATION	
Feb. 04, 2008	LAW OFFICE PUBLICATION REVIEW COMPLETED	78287
Feb. 01, 2008	EXAMINERS AMENDMENT MAILED	
Feb. 01, 2008	APPROVED FOR PUB - PRINCIPAL REGISTER	
Feb. 01, 2008	EXAMINER'S AMENDMENT ENTERED	88888
Feb. 01, 2008	EXAMINERS AMENDMENT -WRITTEN	81140
Feb. 01, 2008	PREVIOUS ALLOWANCE COUNT WITHDRAWN	
Feb. 01, 2008	ASSIGNED TO EXAMINER	81140
Feb. 01, 2008	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jul. 06, 2007	FINAL REFUSAL MAILED	
Jul. 06, 2007	FINAL REFUSAL WRITTEN	81140
May 30, 2007	AMENDMENT FROM APPLICANT ENTERED	78287
May 14, 2007	CORRESPONDENCE RECEIVED IN LAW OFFICE	78287
May 30, 2007	ASSIGNED TO LIE	78287
May 14, 2007	PAPER RECEIVED	
Apr. 10, 2007	ASSIGNED TO EXAMINER	81140
Nov. 17, 2006	NON-FINAL ACTION MAILED	
Nov. 17, 2006	NON-FINAL ACTION WRITTEN	81095
Nov. 16, 2006	ASSIGNED TO EXAMINER	81095
Jun. 24, 2006	APPLICATION FILING RECEIPT MAILED	
Jun. 20, 2006	NEW APPLICATION ENTERED IN TRAM	

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

TM Staff and Location Information

TM Staff Information - None
File Location

Proceedings

Summary

Number of Proceedings: 1

Type of Proceeding: Opposition

Proceeding Number: [91215542](#)

Filing Date: Mar 21, 2014

Status: Pending

Status Date: Mar 21, 2014

Interlocutory Attorney: ROBERT COGGINS

Defendant

Name: Biosensory, Inc.

Correspondent Address: LORA A BRZEZYNSKI
DENTONS US LLP
1900 K STREET NW
WASHINGTON DC , 20006
UNITED STATES

Correspondent e-mail: lora.brzezynski@dentons.com , alanna.clair@dentons.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
CONCEAL	Opposition Pending	86051702	

Plaintiff(s)

Name: ConSeal International, Inc.

Correspondent Address: JOSHUA D MARTIN
JOHNSON & MARTIN PA
500 W CYPRESS CREEK ROAD, SUITE 430
FORT LAUDERDALE FL , 33309
UNITED STATES

Correspondent e-mail: trademarks@johnsonmartinlaw.com , josh.martin@johnsonmartinlaw.com.

Associated marks

Mark	Application Status	Serial Number	Registration Number
CONSEAL	Section 8 and 15 - Accepted and Acknowledged	77012510	3371348
CONSEAL	Section 8 and 15 - Accepted and Acknowledged	76661566	3433690

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Mar 21, 2014	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Mar 21, 2014	Apr 30, 2014
3	PENDING, INSTITUTED	Mar 21, 2014	
4	D MOT FOR EXT W/ CONSENT	Apr 15, 2014	
5	EXTENSION OF TIME GRANTED	Apr 15, 2014	
6	D MOT FOR EXT W/ CONSENT	Jun 23, 2014	
7	EXTENSION OF TIME GRANTED	Jun 23, 2014	
8	D MOT FOR EXT W/ CONSENT	Aug 27, 2014	
9	EXTENSION OF TIME GRANTED	Aug 27, 2014	
10	D MOT FOR EXT W/ CONSENT	Oct 24, 2014	
11	EXTENSION OF TIME GRANTED	Oct 24, 2014	
12	D MOT FOR EXT W/ CONSENT	Dec 22, 2014	
13	EXTENSION OF TIME GRANTED	Dec 22, 2014	
14	D MOT FOR EXT W/ CONSENT	Feb 13, 2015	
15	EXTENSION OF TIME GRANTED	Feb 13, 2015	
16	D MOT FOR EXT W/ CONSENT	May 19, 2015	
17	SUSPENDED	May 22, 2015	
18	D APPEARANCE / POWER OF ATTORNEY	Aug 13, 2015	

Exhibit C

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Mark: CONCEAL

CONCEAL

US Serial Number: 86051702

Application Filing Date: Aug. 29, 2013

Register: Principal

Mark Type: Trademark

Status: An opposition after publication is pending at the Trademark Trial and Appeal Board. For further information, see TTABVue on the Trademark Trial and Appeal Board web page.

Status Date: Mar. 21, 2014

Publication Date: Jan. 21, 2014

Mark Information

Mark Literal Elements: CONCEAL

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Related Properties Information

Claimed Ownership of US Registrations: 3292890

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Insect inhibitor in candle form

International Class(es): 005 - Primary Class

U.S Class(es): 006, 018, 044, 046, 051, 052

Class Status: ACTIVE

Basis: 1(a)

First Use: May 30, 2000

Use in Commerce: May 30, 2000

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: Biosensory, Inc.

Owner Address: 107 Providence St
Putnam, CONNECTICUT 06260
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: David R. Josephs

Docket Number: B111T3772US1

Attorney Primary Email Address: drj@barjos.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: LORA A BRZEZYNSKI
DENTONS US LLP
1900 K STREET NW
WASHINGTON, DISTRICT OF COLUMBIA 20006
UNITED STATES

Phone: 401-273-4446

Fax: 401-273-4447

Correspondent e-mail: drj@barjos.com tm@barjos.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found**Prosecution History**

Date	Description	Proceeding Number
Mar. 21, 2014	OPPOSITION INSTITUTED NO. 999999	215542
Feb. 18, 2014	EXTENSION OF TIME TO OPPOSE RECEIVED	
Jan. 21, 2014	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jan. 21, 2014	PUBLISHED FOR OPPOSITION	
Jan. 13, 2014	ATTORNEY REVOKED AND/OR APPOINTED	
Jan. 13, 2014	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Jan. 01, 2014	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Dec. 16, 2013	APPROVED FOR PUB - PRINCIPAL REGISTER	
Dec. 12, 2013	ASSIGNED TO EXAMINER	90284
Sep. 09, 2013	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Sep. 02, 2013	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information**TM Staff Information**

TM Attorney: HOWARD, PARKER WALDRIP

Law Office Assigned: LAW OFFICE 117

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Dec. 17, 2013

Proceedings**Summary**

Number of Proceedings: 2

Type of Proceeding: Opposition

Proceeding Number: [91215542](#)

Filing Date: Mar 21, 2014

Status: Pending

Status Date: Mar 21, 2014

Interlocutory Attorney: ROBERT COGGINS

Defendant

Name: Biosensory, Inc.

Correspondent Address: LORA A BRZEZYNSKI
DENTONS US LLP
1900 K STREET NW
WASHINGTON DC , 20006
UNITED STATES

Correspondent e-mail: lora.brzezynski@dentons.com , alanna.clair@dentons.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
CONCEAL	Opposition Pending	86051702	

Plaintiff(s)

Name: ConSeal International, Inc.

Correspondent Address: JOSHUA D MARTIN
JOHNSON & MARTIN PA
500 W CYPRESS CREEK ROAD, SUITE 430
FORT LAUDERDALE FL , 33309
UNITED STATES

Correspondent e-mail: trademarks@johnsonmartinlaw.com , josh.martin@johnsonmartinlaw.com

Associated marks			
Mark	Application Status	Serial Number	Registration Number
CONSEAL	Section 8 and 15 - Accepted and Acknowledged	77012510	3371348
CONSEAL	Section 8 and 15 - Accepted and Acknowledged	76661566	3433690

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Mar 21, 2014	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Mar 21, 2014	Apr 30, 2014
3	PENDING, INSTITUTED	Mar 21, 2014	
4	D MOT FOR EXT W/ CONSENT	Apr 15, 2014	
5	EXTENSION OF TIME GRANTED	Apr 15, 2014	
6	D MOT FOR EXT W/ CONSENT	Jun 23, 2014	
7	EXTENSION OF TIME GRANTED	Jun 23, 2014	
8	D MOT FOR EXT W/ CONSENT	Aug 27, 2014	
9	EXTENSION OF TIME GRANTED	Aug 27, 2014	
10	D MOT FOR EXT W/ CONSENT	Oct 24, 2014	
11	EXTENSION OF TIME GRANTED	Oct 24, 2014	
12	D MOT FOR EXT W/ CONSENT	Dec 22, 2014	
13	EXTENSION OF TIME GRANTED	Dec 22, 2014	
14	D MOT FOR EXT W/ CONSENT	Feb 13, 2015	
15	EXTENSION OF TIME GRANTED	Feb 13, 2015	
16	D MOT FOR EXT W/ CONSENT	May 19, 2015	
17	SUSPENDED	May 22, 2015	
18	D APPEARANCE / POWER OF ATTORNEY	Aug 13, 2015	

Type of Proceeding: Extension of Time

Proceeding Number: [86051702](#)

Filing Date: Feb 18, 2014

Status: Terminated

Status Date: Mar 22, 2014

Interlocutory Attorney:

Defendant

Name: Biosensory, Inc.

Correspondent Address: David R. Josephs
BARLOW, JOSEPHS & HOLMES, LTD.
101 Dyer Street, 5th Floor
Providence RI , 02903

Associated marks			
Mark	Application Status	Serial Number	Registration Number
CONCEAL	Opposition Pending	86051702	

Potential Opposer(s)

Name: ConSeal International, Inc.

Correspondent Address: James David Johnson
Johnson & Martin, P.A.
500 W. Cypress Creek Road Suite 430
Fort Lauderdale FL , 33309
UNITED STATES

Correspondent e-mail: trademarks@johnsonmartinlaw.com , josh.martin@johnsonmartinlaw.com , david.johnson@johnsonmartinlaw.com

Associated marks			
Mark	Application Status	Serial Number	Registration Number

Prosecution History			
Entry Number	History Text	Date	Due Date
1	INCOMING - EXT TIME TO OPPOSE FILED	Feb 18, 2014	

Exhibit D

Generated on: This page was generated by TSDR on 2015-08-24 12:41:45 EDT

Mark: CONCEAL

CONCEAL

US Serial Number: 77042278
Application Filing Date: Nov. 13, 2006
US Registration Number: 3292890
Registration Date: Sep. 18, 2007
Register: Principal
Mark Type: Trademark
Status: A Sections 8 and 15 combined declaration has been accepted and acknowledged.
Status Date: Aug. 23, 2013
Publication Date: Jul. 03, 2007

Mark Information

Mark Literal Elements: CONCEAL
Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.
Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *.* identify additional (new) wording in the goods/services.

For: Candles
International Class(es): 004 - Primary Class
U.S Class(es): 001, 006, 015
Class Status: ACTIVE
Basis: 1(a)
First Use: Apr. 30, 2005
Use in Commerce: Apr. 30, 2005

Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: Biosensory, Inc.
Owner Address: 107 Providence St
Putnam, CONNECTICUT 06260
UNITED STATES
Legal Entity Type: CORPORATION
State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: David R. Josephs
Docket Number: B111T3772US
Attorney Primary Email Address: [dj@barjos.com](mailto:djr@barjos.com)
Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: David R. Josephs
BARLOW, JOSEPHS & HOLMES, LTD.
101 Dyer Street, 5th Floor

Providence, RHODE ISLAND 02903
UNITED STATES

Phone: 401-273-4446

Fax: 401-273-4447

Correspondent e-mail: drj@barjos.com tm@barjos.com

Correspondent e-mail Yes
Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jan. 13, 2014	ATTORNEY REVOKED AND/OR APPOINTED	
Jan. 13, 2014	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Aug. 23, 2013	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Aug. 23, 2013	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	69934
Aug. 06, 2013	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	69934
Aug. 23, 2013	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	69934
Aug. 06, 2013	TEAS SECTION 8 & 15 RECEIVED	
Sep. 18, 2007	REGISTERED-PRINCIPAL REGISTER	
Jul. 03, 2007	PUBLISHED FOR OPPOSITION	
Jun. 13, 2007	NOTICE OF PUBLICATION	
Apr. 26, 2007	LAW OFFICE PUBLICATION REVIEW COMPLETED	74193
Apr. 13, 2007	ASSIGNED TO LIE	74193
Mar. 26, 2007	APPROVED FOR PUB - PRINCIPAL REGISTER	
Mar. 19, 2007	ASSIGNED TO EXAMINER	81877
Nov. 16, 2006	NEW APPLICATION ENTERED IN TRAM	

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: TMEG LAW OFFICE 104

Date in Location: Aug. 23, 2013

Exhibit E

Generated on: This page was generated by TSDR on 2015-08-24 12:43:19 EDT

Mark: CONCEAL

CONCEAL

US Serial Number: 76040813
US Registration Number: 2948324
Register: Principal
Mark Type: Trademark
Status: Registration cancelled because registrant did not file an acceptable declaration under Section 8. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.
Status Date: Dec. 16, 2011
Publication Date: Jun. 18, 2002
Date Cancelled: Dec. 16, 2011
Application Filing Date: May 03, 2000
Registration Date: May 10, 2005
Notice of Allowance Date: Sep. 10, 2002

Mark Information

Mark Literal Elements: CONCEAL
Standard Character Claim: No
Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Insect inhibitor, namely, a chemical repellent for inhibiting insects
International Class(es): 005 - Primary Class
Class Status: SECTION 8 - CANCELLED
Basis: 1(a)
First Use: May 2000
U.S Class(es): 006, 018, 044, 046, 051, 052
Use in Commerce: May 2000

Basis Information (Case Level)

Filed Use: No	Currently Use: Yes	Amended Use: No
Filed ITU: Yes	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: Biosensory, Inc.
Owner Address: 322 Main Street, Bldg. 1, 2nd Floor
Windham Mills Technology Center
Willimantic, CONNECTICUT 062263159
UNITED STATES
Legal Entity Type: CORPORATION
State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: KAREN L. FEISTHAMEL
Docket Number: T002816

Correspondent

Correspondent Name/Address: KAREN L FEISTHAMEL
HINCKLEY, ALLEN & SNYDER LLP
28 STATE ST

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Dec. 16, 2011	CANCELLED SEC. 8 (6-YR)	
May 10, 2005	REGISTERED-PRINCIPAL REGISTER	
Jan. 27, 2005	LAW OFFICE REGISTRATION REVIEW COMPLETED	77075
Jan. 24, 2005	ASSIGNED TO LIE	77075
Jan. 13, 2005	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Dec. 08, 2004	LIE CHECKED SUSP - TO ATTY FOR ACTION	76529
Mar. 05, 2004	UNRESPONSIVE/DUPLICATE PAPER RECEIVED	
Mar. 05, 2003	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Mar. 05, 2004	FAX RECEIVED	
Dec. 04, 2003	LETTER OF SUSPENSION MAILED	
Oct. 10, 2003	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Nov. 09, 2003	CASE FILE IN TICRS	
Oct. 10, 2003	PAPER RECEIVED	
May 15, 2003	NON-FINAL ACTION MAILED	
May 09, 2003	STATEMENT OF USE PROCESSING COMPLETE	
Mar. 10, 2003	USE AMENDMENT FILED	
Mar. 10, 2003	PAPER RECEIVED	
Sep. 10, 2002	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Jun. 18, 2002	PUBLISHED FOR OPPOSITION	
May 29, 2002	NOTICE OF PUBLICATION	
Dec. 17, 2001	APPROVED FOR PUB - PRINCIPAL REGISTER	
Dec. 17, 2001	ASSIGNED TO EXAMINER	74819
Mar. 14, 2001	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Sep. 11, 2000	NON-FINAL ACTION MAILED	
Sep. 11, 2000	ASSIGNED TO EXAMINER	76516

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Mar. 29, 2005

Assignment Abstract Of Title Information

Summary

Total Assignments: 1

Registrant: Biosensory, Inc.

Assignment 1 of 1

Conveyance: CHANGE OF NAME

Reel/Frame: [2836/0944](#)

Pages: 3

Date Recorded: Oct. 01, 2003

Supporting Documents: [assignment-tm-2836-0944.pdf](#)

Assignor

Name: [BIOSENSORY INSECT CONTROL CORPORATION](#)

Execution Date: May 14, 1999

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Assignee

Name: [BIOSENSORY, INC.](#)

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Address: 322 MAIN STREET, BLDG. 1, 2ND FLOOR
WINDHAM MILLS TECHNOLOGY CENTER
WILLIMANTIC, CONNECTICUT 06226-3159

Correspondent

Correspondent Name: SALTER & MICHAELSON

Correspondent Address: JODI-ANN MCLANE
321 SOUTH MAIN STREET
PROVIDENCE, RI 02903-7138

Domestic Representative - Not Found