

ESTTA Tracking number: **ESTTA601651**

Filing date: **05/01/2014**

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	Innotek, Inc.		
Entity	Corporation	Citizenship	Delaware
Address	10427 PetSafe Way Knoxville, TN 37932 UNITED STATES		

Attorney information	Ian G. McFarland Merchant & Gould, PC P.O. Box 2910 Minneapolis, MN 55402-9944 UNITED STATES dockmpls@merchantgould.com, akreis@merchantgould.com Phone:865-380-5960		
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Applicant Information

Application No	86092854	Publication date	04/01/2014
Opposition Filing Date	05/01/2014	Opposition Period Ends	05/01/2014
Applicant	Smart Dog University, LLC P.O. Box 1111 Mount Airy, MD 21771 UNITED STATES		

Goods/Services Affected by Opposition

Class 041. First Use: 2005/09/16 First Use In Commerce: 2005/09/26 All goods and services in the class are opposed, namely: Education services, namely, providing live and on-line courses, classes and instruction to trainers and pet owners in the field of pet training, pet exercise, and pet obedience services; Education services, namely, providing mentoring, tutoring, classes, seminars and workshops in the field of pet training, pet exercise, and pet obedience; Education services, namely, providing courses, classes and instruction in the fields of pet training, pet exercise, and pet obedience; Petexercise services; Pet obedience training services; Pet training services; Providing information and advice in the field of pet training
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Grounds for Opposition

Deceptiveness	Trademark Act section 2(a)
False suggestion of a connection	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)

Mark Cited by Opposer as Basis for Opposition

U.S. Registration	2411822	Application Date	12/18/1998
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No.			
Registration Date	12/12/2000	Foreign Priority Date	NONE
Word Mark	SMART DOG		
Design Mark	SMART DOG		
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 1996/05/00 First Use In Commerce: 1996/05/00 ELECTRICAL ANIMAL BEHAVIOR TRAINING AND CONTROL SYSTEMS, NAMELY REMOTE TRAINING SYSTEMS CONSISTING OF ELECTRICAL RADIO FREQUENCY TRANSMITTERS AND REMOTE CONTROLLED ELECTRICAL RECEIVER ANIMAL COLLARS; ELECTRICAL BARKING CONTROL ANIMAL COLLARS; ELECTRONIC PET CONTAINMENT SYSTEMS CONSISTING OF ELECTRICAL TRANSMITTERS AND ELECTRICAL RECEIVER ANIMAL COLLARS; ELECTRICALLY CONTROLLED PET DOORS CONSISTING OF AN ELECTRICAL RECEIVER AND DOOR ACTUATOR; AND ELECTRICAL ANIMAL TRACKING AND LOCATING SYSTEMS CONSISTING OF ELECTRICAL RECEIVERS AND ELECTRICAL ANIMAL TRANSMITTER COLLARS		

Attachments	75608700#TMSN.gif(bytes) Notice of Opposition w exhibits- SMART DOG UNIVERSITY.pdf(1376044 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 Overnight Courier on this date.

Signature	/Ian G. McFarland/
Name	Ian G. McFarland
Date	05/01/2014

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

Innotek, Inc.,)	
)	Opposition No. _____
Opposer,)	
)	Mark: SMART DOG UNIVERSITY
v.)	
)	Application Ser. No. 86/092,854
Smart Dog University, LLC,)	
)	Filed: October 16, 2013
Applicant.)	
)	Published: April 1, 2014
_____)	

NOTICE OF OPPOSITION

Innotek, Inc. (hereinafter “Opposer”), an Indiana Corporation with its principal place of business at 10427 PetSafe Way, Knoxville, Tennessee 37932, believes it will be damaged by the registration of Application Serial No. 86/092,854 to Smart Dog University, LLC, (hereinafter “Applicant”) for the mark SMART DOG UNIVERSITY as a service mark and therefore opposes the registration for the following reasons:

1. By the application opposed, Applicant seeks to obtain under the provisions of the Trademark Act of 1946, as amended, registration on the Principal Register of SMART DOG UNIVERSITY (hereinafter “Applicant’s proposed mark”) for pet training and educational services in Class 41, including: “Education services, namely, providing live and on-line courses, classes and instruction to trainers and pet owners in the field of pet training, pet exercise, and pet obedience services; Education services, namely, providing mentoring, tutoring, classes, seminars and workshops in the field of pet training, pet exercise, and pet obedience; Education services, namely, providing courses, classes and instruction in the fields of pet training, pet exercise, and

pet obedience; Pet obedience training services; Pet training services; Providing information and advice in the field of pet training.”

2. Applicant cites a first use date of September 16, 2005, and a first use in commerce date of September 26, 2005, for its proposed mark.

3. Applicant filed its application on October 16, 2013. Applicant’s proposed mark published for opposition on April 1, 2014. This Notice of Opposition is timely filed.

4. Since at least as early as 1996, Opposer has been using its well-known SMART DOG® trademark to identify and promote its electronic pet training and control systems and related products.

5. Opposer filed an application for registration of its SMART DOG® trademark on December 18, 1998. The application was assigned U.S. Serial Number 75/608,700. Opposer sought to register its mark in Class 9 for use on or in connection with “electrical animal behavior training and control systems, namely remote training systems consisting of electrical radio frequency transmitters and remote controlled electrical receiver animal collars; electrical barking control animal collars; electronic pet containment systems consisting of electrical transmitters and electrical receiver animal collars; electrically controlled pet doors consisting of an electrical receiver and door actuator; and electrical animal tracking and locating systems consisting of electrical receivers and electrical animal transmitter collars.”

6. Opposer’s SMART DOG® mark was registered on the principal register in Class 9 on December 12, 2000. Its U.S. Registration Number is 2,411,822 (hereinafter the “SMART DOG® Registration”). Printed information from the Trademark Status and Document Retrieval (“TSDR”) electronic database records of the USPTO showing the current status and title of the Opposer’s SMART DOG® registration is attached hereto as **Exhibit A**.

7. The SMART DOG® Registration has not been canceled, is valid, and is currently in full force and effect.

8. Opposer's registration is incontestable under Section 15 of the Lanham Act, 15 U.S.C. § 1605. Consequently, the SMART DOG® Registration is conclusive evidence of the validity of the Opposer's SMART DOG® mark and of its registration, of Opposer's ownership of the mark, and of Opposer's exclusive right to use the registered mark in commerce under Section 33 of the Lanham Act, 15 U.S.C. § 1115.

9. Opposer's SMART DOG® mark has been extensively advertised and promoted. Opposer has also made substantial sales of products and services under its marks. As a result of such use and promotion, Opposer's SMART DOG® mark has developed and represents valuable goodwill inuring to the benefit of Opposer.

10. Opposer has priority with respect to the marks at issue in this opposition. Opposer adopted and commenced use of its SMART DOG® mark long before Applicant commenced using SMART DOG UNIVERSITY. Opposer's first usage of its mark commenced at least as early as 1996, whereas Applicant did not commence using its proposed mark until 2005. Moreover, Opposer's SMART DOG® Registration issued in December 2000, nearly five (5) years prior to Applicant's commencement of use and almost thirteen (13) years prior to Applicant filing its application for registration.

11. Upon information and belief, Applicant had at least constructive knowledge of the fact that Opposer used its SMART DOG® mark on or in connection with its pet training products before Applicant filed an application for registration.

12. Applicant's proposed mark is confusingly and deceptively similar to Opposer's previously used and duly registered SMART DOG® mark.

13. Applicant's proposed mark is similar in appearance, connotation, and commercial impression to Opposer's SMART DOG® mark.

14. The dominant parts of both parties' marks are the same, namely the distinctive phrase "SMART DOG."

15. The entirety of Opposer's SMART DOG® mark is reproduced in Applicant's proposed SMART DOG UNIVERSITY mark.

16. The goods sold and marketed by Opposer under its SMART DOG® mark are closely related to the services listed in Applicant's application for registration of its proposed mark.

17. Applicant seeks to register SMART DOG UNIVERSITY in connection with pet training and educational services. Opposer owns and uses its SMART DOG® trademark to promote its pet training products.

18. Both Opposer's and Applicant's respective goods and services are directed to the field of pet training.

19. The marketing channels used by the parties to promote their respective products and services overlap.

20. Upon information and belief, Applicant markets its services to pet owners. Opposer promotes and sells its pet training products under its SMART DOG® mark to pet owners.

21. Upon information and belief, Applicant markets its services under the SMART DOG UNIVERSITY mark to pet training professionals and individuals interested in becoming pet training professionals. Opposer similarly promotes and sells its pet training products under

the SMART DOG® mark to professional pet trainers and individuals interested in becoming pet trainers.

22. Opposer is a subsidiary of Radio Systems Corporation (“RSC”), which owns a collection of pet brands targeting various sectors of the pet industry. One of Opposer’s sister-brands is PetSafe® (hereinafter “PetSafe”). Both brands are owned by RSC and have the same principal place of business at 10427 PetSafe Way, Knoxville, Tennessee 37932. RSC manufactures and sells a wide range of pet products under the PetSafe brand and trademarks, including without limitation, pet containment systems, pet training devices, pet access solutions, water fountains, pet feeders, pet toys, waste disposal products, and related accessories.

23. Opposer and PetSafe cooperate in promoting the awareness of both brands. A printed copy of Opposer’s website, showing its brand being promoted alongside the PetSafe brand, is attached hereto as **Exhibit B**.

24. Upon information and belief, the PetSafe brand is among the most well-known and successful brands in the pet products industry. Opposer gains brand equity and goodwill by promoting its brand with that of PetSafe.

25. RSC uses the subordinate mark PROTECT. TEACH. LOVE. to market and promote its PetSafe brand pet products. PROTECT. TEACH. LOVE. appears, among other places, on PetSafe product packaging in all white text, with a bolded gradient traveling from left to right. In particular, PROTECT. appears in conventional white text, TEACH. appears in bold white text, and LOVE. appears in ultra-bold white text. A printed image of a PetSafe “Yard and Park Trainer” product package bearing the PROTECT. TEACH. LOVE. mark is attached hereto as **Exhibit C**.

26. RSC filed an application for registration of its PROTECT. TEACH. LOVE. mark on November 13, 2013, citing first use dates between February 2010 and November 2012. RSC has been using the PROTECT. TEACH. LOVE. mark on or in connection with a wide range of pet products, including without limitation pet training products, pet containment systems, pet collars, pet feeding devices, waste disposal products, and pet toys. That application has been assigned U.S. Serial No. 86/117,460 and has not yet been published for opposition. Printed information from the TSDR electronic database records of the USPTO showing the current status and title of RSC's PROTECT. TEACH. LOVE. application is attached hereto as **Exhibit D**.

27. Upon information and belief, Applicant is using the subordinate mark TEACH. PLAY. LOVE. in conjunction with the SMART DOG UNIVERSITY mark to market and promote its pet training services. TEACH. PLAY. LOVE. is disposed alongside SMART DOG UNIVERSITY on Applicant's website. TEACH. PLAY. LOVE appears in bold text with a color gradient traveling from left to right. In particular, TEACH. appears in brown font, PLAY. appears in orange font, and LOVE. appears in yellow font. A printed copy of Applicant's website showing its SMART DOG UNIVERSITY mark alongside its subordinate TEACH. PLAY. LOVE. mark is attached hereto as **Exhibit E**.

28. Applicant filed an application for registration of its TEACH. PLAY. LOVE. mark for pet education and training services on February 6, 2014, citing a first use date of June 5, 2013. That application has been assigned U.S. Serial No. 86/186,257 and has not yet been published for opposition. Printed information from the TSDR electronic database records of the USPTO showing the current status and title of Applicant's TEACH. PLAY. LOVE. application is attached hereto as **Exhibit F**.

29. RSC has priority with respect to its PROTECT. TEACH. LOVE. mark because it adopted and commenced use of the mark prior to Applicant's adoption and use of TEACH. PLAY. LOVE.

30. Upon information and belief, Applicant knew that RSC used the PROTECT. TEACH. LOVE. mark in connection with pet training products prior to adopting its TEACH. PLAY. LOVE. mark and prior to filing its application for registration of SMART DOG UNIVERSITY.

31. Upon information and belief, Applicant is attempting to trade on Opposer's and RSC's valuable goodwill and brand equity through the use of its SMART DOG UNIVERSITY mark with the TEACH. PLAY. LOVE. mark, thereby resulting in damage to Opposer.

32. The use of Applicant's subordinate TEACH. PLAY. LOVE. mark alongside its SMART DOG UNIVERSITY mark increases the similarity between Opposer's and Applicant's marks. Namely, both Opposer's and Applicant's respective SMART DOG® and SMART DOG UNIVERSITY marks appear in commerce alongside an RSC mark or one that is confusingly similar to an RSC mark, resulting in a greater likelihood that consumers and potential consumers will believe that Applicant is associated with Opposer.

33. Due to the similarity between Applicant's SMART DOG UNIVERSITY mark and Opposer's previously used and duly registered SMART DOG® mark, including the closely related nature of the parties' respective goods and services, customers and potential customers are likely to believe that Applicant's services are endorsed by or otherwise associated with Opposer, resulting in a likelihood of confusion in the marketplace and damage to Opposer.

34. The use and registration by Applicant of its SMART DOG UNIVERSITY mark for Applicant's services is likely to cause confusion, mistake, and/or deception in the trade and

among purchasers and potential purchasers with Opposer's previously used and duly registered SMART DOG® mark, again resulting in damage to Opposer.

35. Because of the closely related nature of the parties' goods and services, the similarity of the marks at issue, and the common marketing messages utilized by Applicant and RSC, the use and registration of Applicant's intended mark is likely to cause confusion, mistake, or deception that Applicant's services are associated with or otherwise endorsed, sponsored, or approved by Opposer for use with Applicant's services causing further damage to Opposer.

36. Applicant's use and registration of its SMART DOG UNIVERSITY mark is likely to dilute the distinctive quality of Opposer's SMART DOG® mark and registration, again resulting in damage to Opposer.

37. If Applicant is granted registration of the mark opposed here, it would thereby obtain at least a prima facie exclusive right to use its intended mark. Such registration would be a source of further damage and injury to Opposer.

38. Registration of SMART DOG UNIVERSITY, Application Serial No. 86/092,854 would result in damage to Opposer under the provisions of Section 2 of the U.S. Trademark Act, 15 U.S.C. § 1052, pursuant to the allegations stated above.

PRAYER FOR RELIEF

WHEREFORE, Opposer asks that its opposition to Application No. 86/092,854 be sustained and that the registration set forth therein be refused.

Please direct all correspondence to the attention of **R. Bradford Brittian**:

MERCHANT & GOULD P.C.
P.O. Box 2910
Minneapolis, MN 55402
612-332-5300

Innotek, Inc. hereby appoints R. Bradford Brittian, John T. Winemiller, and Ian G. McFarland as attorneys with the full power to represent Innotek, Inc., to receive all correspondence related thereto and to represent it in all proceedings affecting the potential opposition of the mark.

Accompanying this Notice of Opposition is the required fee of \$300.00.

Dated: May 1, 2014

Respectfully submitted,

INNOTEK, INC.

By its attorneys,

/Ian G. McFarland/

R. Bradford Brittian

John T. Winemiller

Ian G. McFarland

MERCHANT & GOULD P.C.

9717 Cogdill Road, Suite 101

Knoxville, TN 37932

(865) 380-5960

bbrittian@merchantgould.com

jwinemiller@merchantgould.com

imcfarland@merchantgould.com

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing NOTICE OF OPPOSITION was served upon Applicant and its Filing Correspondent by UPS, postage pre-paid, this 1st day of May, 2014:

Smart Dog University, LLC
P.O. Box 1111
Mount Airy, Maryland 21771

Heidi Meinzer
Law Office of Heidi Meinzer, PLLC
114 N. Alred St.
Alexandria, Virginia 22314-3011

/Ian G. McFarland/
Ian G. McFarland

EXHIBIT A

STATUS DOCUMENTS

[Back to Search](#)

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Generated on: This page was generated by TSDR on 2014-04-08 14:57:31 EDT

Mark: SMART DOG

SMART DOG

US Serial Number: 75608700 **Application Filing Date:** Dec. 18, 1998
US Registration Number: 2411822 **Registration Date:** Dec. 12, 2000
Register: Principal
Mark Type: Trademark
Status: The registration has been renewed.
Status Date: Aug. 31, 2010
Publication Date: Sep. 19, 2000

Mark Information

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

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
- Asterisks *..* identify additional (new) wording in the goods/services.

For: ELECTRICAL ANIMAL BEHAVIOR TRAINING AND CONTROL SYSTEMS, NAMELY REMOTE TRAINING SYSTEMS CONSISTING OF ELECTRICAL RADIO FREQUENCY TRANSMITTERS AND REMOTE CONTROLLED ELECTRICAL RECEIVER ANIMAL COLLARS; ELECTRICAL BARKING CONTROL ANIMAL COLLARS; ELECTRONIC PET CONTAINMENT SYSTEMS CONSISTING OF ELECTRICAL TRANSMITTERS AND ELECTRICAL RECEIVER ANIMAL COLLARS; ELECTRICALLY CONTROLLED PET DOORS CONSISTING OF AN ELECTRICAL RECEIVER AND DOOR ACTUATOR; AND ELECTRICAL ANIMAL TRACKING AND LOCATING SYSTEMS CONSISTING OF ELECTRICAL RECEIVERS AND ELECTRICAL ANIMAL TRANSMITTER COLLARS

International Class(es): 009 - Primary Class **U.S Class(es):** 021, 023, 026, 036, 038

Class Status: ACTIVE

Basis: 1(a)

First Use: May 1996 **Use in Commerce:** May 1996

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: Innotek, Inc.
Owner Address: 10427 Electric Avenue
 Knoxville, TENNESSEE 37932
 UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where Organized: INDIANA

Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Jacob G. Horton

Docket Number: 34185.82

Correspondent

Correspondent Name/Address: Jacob G. Horton
 PITTS AND BRITTIAN, P.C.
 P. O. BOX 51295
 KNOXVILLE, TENNESSEE 37950-1295
 UNITED STATES

Phone: 865-584-0105

Fax: 865-584-0104

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jan. 09, 2013	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Nov. 21, 2012	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Aug. 31, 2010	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	67603
Aug. 31, 2010	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Aug. 27, 2010	TEAS SECTION 8 & 9 RECEIVED	
Dec. 26, 2008	ATTORNEY REVOKED AND/OR APPOINTED	
Dec. 26, 2008	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Jun. 07, 2007	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Feb. 21, 2007	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	67603
Dec. 07, 2006	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Dec. 07, 2006	TEAS SECTION 8 & 15 RECEIVED	
Sep. 27, 2006	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Jul. 31, 2006	CASE FILE IN TICRS	
Mar. 21, 2004	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Dec. 12, 2000	REGISTERED-PRINCIPAL REGISTER	
Sep. 19, 2000	PUBLISHED FOR OPPOSITION	
Aug. 18, 2000	NOTICE OF PUBLICATION	
Jun. 26, 2000	APPROVED FOR PUB - PRINCIPAL REGISTER	
Feb. 22, 2000	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Nov. 22, 1999	NON-FINAL ACTION MAILED	
Jul. 30, 1999	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Jul. 01, 1999	ASSIGNED TO EXAMINER	76135

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Dec. 12, 2010

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: Not Found

Date in Location: Aug. 31, 2010

Assignment Abstract Of Title Information

Summary

▼ **Conveyance Filter**

Total Assignments: 11

Registrant: Innotek, Inc.

Assignment 1 of 11

Conveyance: SECURITY INTEREST

Reel/Frame: [2255/0186](#)

Pages: 20

Date Recorded: Mar. 05, 2001

Supporting Documents: [assignment-tm-2255-0186.pdf](#)

Assignor

Name: [INNOTEK, INC.](#)

Execution Date: Aug. 23, 2000

Legal Entity Type: CORPORATION

State or Country Where Organized: INDIANA

Assignee

Name: [NATIONAL CITY BANK](#)

Legal Entity Type: NATIONAL BANKING ASSOCIATION

State or Country Where Organized: No Place Where Organized Found

Address: 1900 EAST NINTH STREET
CLEVELAND, OHIO 44114

Correspondent

Correspondent Name: ROBERT H. EARP, III

Correspondent Address: 2300BP TOWER
200 PUBLIC SQUARE
CLEVELAND, OHIO 44114

Domestic Representative - Not Found

Assignment 2 of 11

Conveyance: AMENDED SECURITY AGREEMENT

Reel/Frame: [2255/0084](#)

Pages: 19

Date Recorded: Mar. 05, 2001

Supporting Documents: [assignment-tm-2255-0084.pdf](#)

Assignor

Name: [INNOTEK, INC.](#)

Execution Date: Jan. 25, 2001

Legal Entity Type: CORPORATION

State or Country Where Organized: INDIANA

Assignee

Name: [NATIONAL CITY BANK](#)

Legal Entity Type: NATIONAL BANKING ASSOCIATION

State or Country Where Organized: No Place Where Organized Found

Address: 1900 EAST NINTH STREET
CLEVELAND, OHIO 44114

Correspondent

Correspondent Name: ROBERT H. EARP, III

Correspondent Address: 2300BP TOWER
200 PUBLIC SQUARE
CLEVELAND, OH 44114

Domestic Representative - Not Found

Assignment 3 of 11

Conveyance: SECURITY INTEREST

Reel/Frame: [3164/0588](#)

Pages: 16

Date Recorded: Sep. 23, 2005

Supporting Documents: [assignment-tm-3164-0588.pdf](#)

Assignor

Name: [INNOTEK, INC.](#)

Execution Date: Jan. 25, 2001

Legal Entity Type: CORPORATION

State or Country Where Organized: INDIANA

Organized:

Assignee

Name: [NATIONAL CITY BANK](#)

Legal Entity Type: NATIONAL BANKING ASSOCIATION

State or Country Where Organized: UNITED STATES

Organized:

Address: 1900 EAST NINTH STREET
CLEVELAND, OHIO 44114

Correspondent

Correspondent Name: RITA KLINE

Correspondent Address: 200 PUBLIC SQUARE
2300 BP TOWER
CLEVELAND, OH 44114-2378

Domestic Representative - Not Found

Assignment 4 of 11

Conveyance: RELEASE OF SECURITY AGREEMENT RECORDED MARCH 5, 2001 AT REEL/FRAME NO. 2255/0186

Reel/Frame: [3396/0911](#)

Pages: 9

Date Recorded: Sep. 26, 2006

Supporting Documents: [assignment-tm-3396-0911.pdf](#)

Assignor

Name: [NATIONAL CITY BANK](#)

Execution Date: Sep. 14, 2006

Legal Entity Type: NATIONAL BANKING ASSOCIATION

State or Country Where Organized: No Place Where Organized Found

Organized:

Assignee

Name: [INNOTEK, INC.](#)

Legal Entity Type: CORPORATION

State or Country Where Organized: INDIANA

Organized:

Address: 1000 FULLER DRIVE
GARRETT, INDIANA 46738

Correspondent

Correspondent Name: MARK J. PLOTKIN

Correspondent Address: 511 UNION STREET
SUITE 2700
NASHVILLE, TN 37219

Domestic Representative - Not Found

Assignment 5 of 11

Conveyance: RELEASE OF AMENDED SECURITY AGREEMENT RECORDED ON MARCH 5, 2001 AT REEL/FRAME NO. 2255/0084

Reel/Frame: [3396/0986](#)

Pages: 9

Date Recorded: Sep. 26, 2006

Supporting Documents: [assignment-tm-3396-0986.pdf](#)

Assignor

Name: [NATIONAL CITY BANK](#) **Execution Date:** Sep. 14, 2006

Legal Entity Type: NATIONAL BANKING ASSOCIATION **State or Country Where Organized:** No Place Where Organized Found

Assignee

Name: [INNOTEK, INC.](#)

Legal Entity Type: CORPORATION **State or Country Where Organized:** INDIANA

Address: 1000 FULLER DRIVE
GARRETT, INDIANA 46738

Correspondent

Correspondent Name: MARK J. PLOTKIN

Correspondent Address: 511 UNION STREET
SUITE 2700
NASHVILLE, TN 37219

Domestic Representative - Not Found

Assignment 6 of 11

Conveyance: RELEASE OF SECURITY INTEREST RECORDED ON SEPTEMBER 23, 2005 AT REEL/FRAE NO. 3164/0588

Reel/Frame: [3397/0226](#) **Pages:** 11

Date Recorded: Sep. 26, 2006

Supporting Documents: [assignment-tm-3397-0226.pdf](#)

Assignor

Name: [NATIONAL CITY BANK](#) **Execution Date:** Sep. 14, 2006

Legal Entity Type: NATIONAL BANKING ASSOCIATION **State or Country Where Organized:** No Place Where Organized Found

Assignee

Name: [INNOTEK, INC.](#)

Legal Entity Type: CORPORATION **State or Country Where Organized:** INDIANA

Address: 1000 FULLER DRIVE
GARRETT, INDIANA 46738

Correspondent

Correspondent Name: MARK J. PLOTKIN

Correspondent Address: 511 UNION STREET
SUITE 2700
NASHVILLE, TN 37219

Domestic Representative - Not Found

Assignment 7 of 11

Conveyance: SECURITY INTEREST

Reel/Frame: [3396/0323](#) **Pages:** 8

Date Recorded: Sep. 22, 2006

Supporting Documents: [assignment-tm-3396-0323.pdf](#)

Assignor

Name: [INNOTEK, INC.](#) **Execution Date:** Sep. 15, 2006

Legal Entity Type: CORPORATION **State or Country Where Organized:** INDIANA

Assignee

Name: [FIFTH THIRD BANK, AS ADMINISTRATIVE AGENT](#)

Legal Entity Type: BANKING CORPORATION **State or Country Where Organized:** OHIO

Address: 38 FOUNTAIN SQUARE PLAZA

CINCINNATI, OHIO 45263

Correspondent

Correspondent Name: ROBERT J. SCHNEIDER

Correspondent Address: CHAPMAN AND CUTLER LLP
111 WEST MONROE STREET
CHICAGO, IL 60603

Domestic Representative - Not Found

Assignment 8 of 11

Conveyance: RELEASE OF ASSIGNMENT

Reel/Frame: [3398/0025](#)

Pages: 10

Date Recorded: Sep. 26, 2006

Supporting Documents: [assignment-tm-3398-0025.pdf](#)

Assignor

Name: [NATIONAL CITY BANK](#)

Execution Date: Sep. 15, 2006

Legal Entity Type: U.S. NATIONAL BANKING ASSOCIATION

State or Country Where Organized: No Place Where Organized Found

Assignee

Name: [INNOTEK, INC.](#)

Legal Entity Type: CORPORATION

State or Country Where Organized: INDIANA

Address: ONE INNOWAY
GARRETT, INDIANA 46738

Correspondent

Correspondent Name: ROBERT J. SCHNEIDER

Correspondent Address: CHAPMAN AND CUTLER LLP
111 WEST MONROE STREET
CHICAGO, ILLINOIS 60603

Domestic Representative - Not Found

Assignment 9 of 11

Conveyance: SECURITY AGREEMENT

Reel/Frame: [4901/0053](#)

Pages: 15

Date Recorded: Nov. 16, 2012

Supporting Documents: [assignment-tm-4901-0053.pdf](#)

Assignor

Name: [RADIO SYSTEMS CORPORATION](#)

Execution Date: Oct. 23, 2012

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Name: [INNOTEK, INC.](#)

Execution Date: Oct. 23, 2012

Legal Entity Type: CORPORATION

State or Country Where Organized: ILLINOIS

Name: [INVISIBLE FENCE, INC.](#)

Execution Date: Oct. 23, 2012

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Assignee

Name: [THE BANK OF NEW YORK MELLON TRUST COMPANY, N.A.](#)

Legal Entity Type: NATIONAL ASSOCIATION

State or Country Where Organized: UNITED STATES

Address: 10161 CENTURION PARKWAY NORTH
JACKSONVILLE, FLORIDA 32256

Correspondent

Correspondent Name: CORPORATION SERVICE COMPANY

Correspondent Address: 1090 VERMONT AVENUE NW, SUITE 430
WASHINGTON, DC 20005

Domestic Representative - Not Found

Assignment 10 of 11

Conveyance: SECURITY AGREEMENT

Reel/Frame: [4901/0068](#)

Pages: 60

Date Recorded: Nov. 16, 2012

Supporting Documents: [assignment-tm-4901-0068.pdf](#)

Assignor

Name: [RADIO SYSTEMS CORPORATION](#)

Execution Date: Oct. 23, 2012

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Name: [INNOTEK, INC.](#)

Execution Date: Oct. 23, 2012

Legal Entity Type: CORPORATION

State or Country Where Organized: ILLINOIS

Name: [INVISIBLE FENCE, INC.](#)

Execution Date: Oct. 23, 2012

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Assignee

Name: [THE BANK OF NEW YORK MELLON TRUST COMPANY, N.A.](#)

Legal Entity Type: NATIONAL ASSOCIATION

State or Country Where Organized: UNITED STATES

Address: 10161 CENTURION PARKWAY NORTH
JACKSONVILLE, FLORIDA 32256

Correspondent

Correspondent Name: CORPORATION SERVICE COMPANY

Correspondent Address: 1090 VERMONT AVENUE NW, SUITE 430
WASHINGTON, DC 20005

Domestic Representative - Not Found

Assignment 11 of 11

Conveyance: CORRECTIVE ASSIGNMENT TO ADD THE NUMBERS LEFT OFF THE SCHEDULE OF FILING: 78247008, 3175318, 78847010, 78375092, 78375156, 78375141, 78375150, 78375126 PREVIOUSLY RECORDED ON REEL 004901 FRAME 0053. ASSIGNOR(S) HEREBY CONFIRMS THE SECURITY AGREEMENT.

Reel/Frame: [4931/0608](#)

Pages: 22

Date Recorded: Dec. 10, 2012

Supporting Documents: [assignment-tm-4931-0608.pdf](#)

Assignor

Name: [RADIO SYSTEMS CORPORATION](#)

Execution Date: Oct. 23, 2012

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Name: [INNOTEK, INC.](#)

Execution Date: Oct. 23, 2012

Legal Entity Type: CORPORATION

State or Country Where Organized: ILLINOIS

Name: [INVISIBLE FENCE, INC.](#)

Execution Date: Oct. 23, 2012

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Assignee

Name: [BANK OF NEW YORK MELLON TRUST COMPANY, N.A., THE](#)

Legal Entity Type: NATIONAL ASSOCIATION

State or Country Where Organized: UNITED STATES

Address: 10161 CENTURION PARKWAY NORTH
JACKSONVILLE, FLORIDA 32256

Correspondent

Correspondent Name: CORPORATION SERVICE COMPANY

Correspondent Address: 1090 VERMONT AVENUE NW, SUITE 430
WASHINGTON, DISTRICT OF COLUMBIA 20005

Domestic Representative - Not Found

Proceedings - None recorded

EXHIBIT B

[PRODUCTS](#)

[WHERE TO BUY](#)

[REGISTER PRODUCT](#)

[CUSTOMER CARE](#)



Quicker Training, Better Dogs.



Warranty Information,
Registration, F.A.Q.s,
Comparison Charts,
Behavior Solutions,
Manuals.

**In Ground
Fencing
Systems**



**Automatic
No Bark
Collars**



**Remote
Training
Systems**



Parts + Accessories



EXHIBIT C



Yard and Park Trainer

PDT00-12470

protect. teach. love.

Find the best in your dog, wherever you go together.



- 3 Levels of stimulation
- Positive and negative tone buttons
- Expands to 3 dogs
- Rechargeable and waterproof
- Range up to 400 yards



STATIC
CORRECTION

EXHIBIT D

[STATUS](#) [DOCUMENTS](#)[Back to Search](#)[Print](#)

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Mark: PROTECT. TEACH. LOVE.

protect. teach. love.

US Serial Number: 86117460

Application Filing Date: Nov. 13, 2013

Register: Principal

Mark Type: Trademark

Status: A non-final Office action has been sent (issued) to the applicant. This is a letter from the examining attorney requiring additional information and/or making an initial refusal. The applicant must respond to this Office action. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

Status Date: Mar. 10, 2014

Mark Information

Mark Literal Elements: PROTECT. TEACH. LOVE.

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
- Asterisks *.* identify additional (new) wording in the goods/services.

For: Nutritional additives to foodstuffs for animals, for medical purposes; aerosol animal repellent

International Class(es): 005 - Primary Class

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

Class Status: ACTIVE

Basis: 1(a)

First Use: Nov. 19, 2012

Use in Commerce: Nov. 19, 2012

For: Metal pet doors; metal pet panels; pet kennel ground anchor kits comprising metal anchors and metal wires; metal screened-in porch for cats that attaches to a window; door hardware made of non-precious metals, namely keys and key cylinders; door knobs made of non-precious metals, non-precious metal door closers in the nature of an automatic closer for a door which exerts a force on a door when opened to automatically close the door; cat flaps, dog flaps and letterboxes made of non-precious metals; modular metal chain link fencing units for use as indoor or outdoor kennels, warehouse partitions, lawn and garden storage, contractor job site storage or temporary fencing

International Class(es): 006 - Primary Class

U.S Class(es): 002, 012, 013, 014, 023, 025, 050

Class Status: ACTIVE

Basis: 1(a)

First Use: Nov. 19, 2012

Use in Commerce: Nov. 19, 2012

For: Electronic animal treat dispensers; automated pet appliances, namely, waterers; mechanized feeding devices for pets

International Class(es): 007 - Primary Class

U.S Class(es): 013, 019, 021, 023, 031, 034, 035

Class Status: ACTIVE

Basis: 1(a)

First Use: Jun. 01, 2011

Use in Commerce: Jun. 01, 2011

For: Electronic animal confinement systems; electronic animal training systems comprised of hand held transmitters and animal collars with receivers attached worn by animals to activate a method of stimulation or correction; electronic receivers for operating electronic animal confinement systems; electronic animal training devices, namely, ultrasonic sound emitters; electronic transmitter-controller and automated pet door combination sold as a unit; electronic transmitters that activate automated pet doors; electronic pet training device in the form of a mat that conditions animals to avoid designated areas; combination electronic and spray pet training device that conditions animals to avoid designated areas; electronic confinement and training apparatus in the form of a mat; ultrasonic outdoor bark control devices, namely, sensors for detecting barking and emitting ultrasonic sound to control barking; animal protection and safety apparatus, namely, flotation devices for animals; computer storage devices, namely, blank flash drives; messenger bags especially adapted for holding laptops; magnetic devices that activate self-unlocking pet doors; graduated rulers; electronic animal tracking and locating devices which utilize audible location signals to track and locate animals; and printed instructional materials and instructional videos sold and distributed as a unit with the above-listed goods; animal whistles; signal bells to be worn by animals

International Class(es): 009 - Primary Class

U.S Class(es): 021, 023, 026, 036, 038

Class Status: ACTIVE

Basis: 1(a)

First Use: Aug. 12, 2010

Use in Commerce: Aug. 12, 2010

For: Stationery; pads of paper; ink pens; folders; envelopes; posters; booklets, namely, manuals and catalogs in the field of pet products; holders for pencils and ink pens; ungraduated rulers; note pad holders

International Class(es): 016 - Primary Class

U.S Class(es): 002, 005, 022, 023, 029, 037, 038, 050

Class Status: ACTIVE

Basis: 1(a)

First Use: Oct. 11, 2012

Use in Commerce: Oct. 11, 2012

For: Animal collars; animal collars with receivers attached; animal collars with electronic transmitters that activate automated pet doors; animal bark control collars; animal leashes; dog shoes; duffel bags; components of a dog collar, namely, a combination microphone and vibration probe for detection of a dog's bark to activate a method of stimulation or correction and instructional materials sold and distributed as a unit with the dog collar

International Class(es): 018 - Primary Class

U.S Class(es): 001, 002, 003, 022, 041

Class Status: ACTIVE

Basis: 1(a)

First Use: Aug. 12, 2010

Use in Commerce: Aug. 12, 2010

For: Non-metal pet doors; pet door flaps specially adapted for non-metal pet doors; nonmetallic pet doors with mechanical locks; non-metallic pet doors with magnetically operated locks; non-metallic pet doors with electrically operated locks; non-metallic door closers in the nature of non-electronic, non-hydraulic closers for a door which exert a force on a door when opened to automatically close the door, cat flaps and dog flaps

International Class(es): 019 - Primary Class

U.S Class(es): 001, 012, 033, 050

Class Status: ACTIVE

Basis: 1(a)

First Use: Feb. 02, 2010

Use in Commerce: Feb. 02, 2010

For: Portable pet beds; pet cushions; pet kennels; pet kennels with covers; pet kennel fitted covers; plastic key chains; pet pad cushions

International Class(es): 020 - Primary Class	U.S Class(es): 002, 013, 022, 025, 032, 050
Class Status: ACTIVE	
Basis: 1(a)	
First Use: Oct. 11, 2012	Use in Commerce: Oct. 11, 2012
For: Animal litter boxes; animal litter mat liners for use with litter boxes; small animal feeders; pet watering devices; cups; mugs; insulated containers for beverages for domestic use; sports bottles sold empty; pet dishes; automated aerosol dispenser for use with animals; aerosol canisters for non-medical purposes	
International Class(es): 021 - Primary Class	U.S Class(es): 002, 013, 023, 029, 030, 033, 040, 050
Class Status: ACTIVE	
Basis: 1(a)	
First Use: Mar. 07, 2012	Use in Commerce: Mar. 07, 2012
For: Apparel, namely, shirts, coats, vests, hats; bandanas	
International Class(es): 025 - Primary Class	U.S Class(es): 022, 039
Class Status: ACTIVE	
Basis: 1(a)	
First Use: Feb. 04, 2011	Use in Commerce: Feb. 04, 2011
For: Pet toys; pet agility training products, namely, tunnels, bar jumps, ring jumps, weaving poles; dummies for animal training; scent lures for hunting and animal training	
International Class(es): 028 - Primary Class	U.S Class(es): 022, 023, 038, 050
Class Status: ACTIVE	
Basis: 1(a)	
First Use: Mar. 27, 2012	Use in Commerce: Mar. 27, 2012
For: Pet treats. food for animals; nutritional additives for animal foodstuffs, not for medical purposes; cat litter; cartridges containing litter for cat litter boxes	
International Class(es): 031 - Primary Class	U.S Class(es): 001, 046

Class Status: ACTIVE

Basis: 1(a)

First Use: Oct. 20, 2010

Use in Commerce: Oct. 20, 2010

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: Radio Systems Corporation

Owner Address: 10427 PetSafe Way
Knoxville, TENNESSEE 37932
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Brent E. Routman

Docket Number: 16937.0059US

Correspondent

Correspondent Name/Address: BRENT E. ROUTMAN
MERCHANT & GOULD, P.C.
PO BOX 2910

MINNEAPOLIS, MINNESOTA 55402-0910
 UNITED STATES

Phone: 612-332-5300 

Correspondent e-mail: dockmpls@merchantgould.com
akreis@merchantgould.com

Correspondent e-mail No
 Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Mar. 10, 2014	NON-FINAL ACTION MAILED	
Mar. 10, 2014	NON-FINAL ACTION WRITTEN	78553
Feb. 28, 2014	ASSIGNED TO EXAMINER	78553
Nov. 25, 2013	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Nov. 16, 2013	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information

TM Attorney: PHAM, LANA H

Law Office Assigned: LAW OFFICE 115

File Location

Current Location: TMO LAW OFFICE 115 - EXAMINING ATTORNEY
 ASSIGNED

Date in Location: Mar. 10, 2014

[Assignment Abstract Of Title Information - Click to Load](#)

[Proceedings - Click to Load](#)

EXHIBIT E



TEACH. PLAY. LOVE.



HOME ABOUT CONTACT CLASSES TESTIMONIALS VIDEO SMART DOG BLOG



Welcome to My World



About SDU

From Smart Dog Blog



Service Dog Training: Full

What We've Been Up To



Bribes or Rewards?

EXHIBIT F

[STATUS](#) [DOCUMENTS](#)[Back to Search](#)[Print](#)

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Mark: TEACH. PLAY. LOVE.

Teach. Play. Love.

US Serial Number: 86186257

Application Filing Date: Feb. 06, 2014

Filed as TEAS Plus: Yes

Currently TEAS Plus: Yes

Register: Principal

Mark Type: Service Mark

Status: New application will be assigned to an examining attorney approximately 3 months after filing date.

Status Date: Feb. 19, 2014

Mark Information

Mark Literal Elements: TEACH. PLAY. LOVE.

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
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Education services, namely, mentoring in the field of pet training and obedience; Education services, namely, providing live and on-line courses, classes and instruction in the field of pet training and obedience; Pet exercise services; Pet obedience training services; Pet training services; Providing information and advice in the field of pet training

International Class(es): 041 - Primary Class

U.S Class(es): 100, 101, 107

Class Status: ACTIVE

Basis: 1(a)

First Use: Jun. 05, 2013

Use in Commerce: Jun. 05, 2013

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: Smart Dog University, LLC

Owner Address: P.O. Box 1111
Mount Airy, MARYLAND 21771
UNITED STATES

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: MARYLAND

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Heidi Meinzer


Docket Number: 51-00003


Attorney Primary Email Address: heidi@meinzerlaw.com

Attorney Email Authorized: Yes

Correspondent

Correspondent HEIDI MEINZER
Name/Address: LAW OFFICE OF HEIDI MEINZER
 114 N ALFRED ST
 ALEXANDRIA, VIRGINIA 22314-3011
 UNITED STATES

Phone: 571-414-0868 

Fax: 571-414-0869 

Correspondent e-mail: heidi@meinzerlaw.com

Correspondent e-mail Yes
Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Feb. 19, 2014	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Feb. 10, 2014	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: NEW APPLICATION PROCESSING

Date in Location: Feb. 19, 2014

Assignment Abstract Of Title Information - None recorded

Proceedings - None recorded