

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

INNOTEK, INC.,

Opposer,

v.

SMART DOG UNIVERSITY, LLC

Applicant.

Opposition No. 91216164

Application Serial No. 86/092,854

Mark: SMART DOG UNIVERSITY

Filed: October 16, 2013

Published: April 1, 2014

Counterclaim Cancellation No. _____

Registration No. 2,411,822

ANSWER TO NOTICE OF OPPOSITION, DEFENSES
AND COUNTERCLAIM TO CANCEL U.S. REG. NO. 2,411,822

Respondent Smart Dog University, LLC ("Smart Dog University"), a Maryland limited liability company with its principal place of business at 830 The Old Station Court, Woodbine, Maryland 21797, hereby files its Answer to Notice of Opposition, Affirmative Defenses and Counterclaim to Cancel U.S. Reg. No. 2,411,822, responding to the numbered paragraphs in the Notice of Opposition as follows:

1. Smart Dog University avers that its Application Serial No. 86/092,854 ("Smart Dog University Application No. 1") speaks for itself, and denies any allegations in Paragraph 1 inconsistent with the Application.
2. Smart Dog University avers that Smart Dog University Application No. 1 speaks for itself, and Smart Dog University denies any allegations in Paragraph 2 inconsistent with Smart Dog University Application No. 1.

PROCEEDINGS
RECEIVED

APR 10 AM 11:53

3. Smart Dog University Application No. 1 and USPTO records speak for themselves, and Applicant denies any allegations in Paragraph 3 inconsistent with Smart Dog University Application No. 1 and the USPTO records.

4. Smart Dog University lacks sufficient information at this time to admit or deny the allegations in Paragraph 4, and therefore denies same.

5. Smart Dog University avers that Innotech's Application Serial No. 75/608,700 ("Innotech Application") speaks for itself, and Smart Dog University denies any allegations inconsistent with the Innotech Application.

6. Smart Dog University avers that the Trademark Status and Document Retrieval ("TSDR") electronic database records of the USPTO speak for themselves, and Smart Dog University denies any allegations inconsistent with those records.

7. Paragraph 7 contains legal conclusions to which no response is required. To the extent that a response is required, Smart Dog University denies the allegations in Paragraph 7.

8. Paragraph 8 contains legal conclusions to which no response is required. To the extent that a response is required, Smart Dog University denies the allegations in Paragraph 8.

9. Smart Dog University lacks sufficient information at this time to admit or deny the allegations in Paragraph 9, and therefore denies same.

10. Smart Dog University avers that Smart Dog University Application No. 1 speaks for itself. Smart Dog University lacks sufficient information at this time to admit or deny the remaining allegations in Paragraph 10, and therefore denies same.

11. Paragraph 11 contains legal conclusions to which no response is required. To the extent that a response is required, Smart Dog University denies the allegations in Paragraph 11.

12. Smart Dog University denies the allegations in Paragraph 12.

13. Smart Dog University denies the allegations in Paragraph 13.

14. Smart Dog University avers that Smart Dog University Application No. 1 and the Innotech Application and subsequent registration speak for themselves, and denies the remaining allegations in Paragraph 14.

15. Smart Dog University avers that Smart Dog University Application No. 1 and the Innotech Application and subsequent registration speak for themselves, and denies the remaining allegations in Paragraph 15.

16. Smart Dog University denies the allegations in Paragraph 16.

17. Smart Dog University avers that Smart Dog University Application No. 1 and the Innotech Application and subsequent registration speak for themselves, and denies the remaining allegations in Paragraph 17.

18. Smart Dog University avers that Smart Dog University Application No. 1 and the Innotech Application and subsequent registration speak for themselves, and denies the remaining allegations in Paragraph 18.

19. Smart Dog University denies the allegations in Paragraph 19.

20. Smart Dog University avers that Smart Dog University Application No. 1 and the Innotech Application and subsequent registration speak for themselves, and denies the remaining allegations in Paragraph 20.

21. Smart Dog University avers that Smart Dog University Application No. 1 and the Innotech Application and subsequent registration speak for themselves, and denies the remaining allegations in Paragraph 21.

22. Smart Dog University lacks sufficient information at this time to admit or deny the allegations in Paragraph 22, and therefore denies same.

23. Smart Dog University lacks sufficient information at this time to admit or deny the allegations in Paragraph 23, and therefore denies same.

24. Smart Dog University lacks sufficient information at this time to admit or deny the allegations in Paragraph 24, and therefore denies same.

25. Smart Dog University lacks sufficient information at this time to admit or deny the allegations in Paragraph 25, and therefore denies same.

26. Smart Dog University avers that Application Serial No. 86/117,460 filed by Radio Systems Corporation (“RSC”) (“RSC Application”) speaks for itself, and denies any allegations inconsistent with that application.

27. Smart Dog University avers that its Application Serial No. 86/186,257 (“Smart Dog University Application No. 2”) speaks for itself, and denies any allegations inconsistent with that application.

28. Smart Dog University avers that Smart Dog University Application No. 2 speaks for itself, and denies any allegations inconsistent with that application.

29. Smart Dog University lacks sufficient information at this time to admit or deny the allegations in Paragraph 29, and therefore denies same.

30. Paragraph 30 contains legal conclusions to which no response is required. To the extent that a response is required, Smart Dog University denies the allegations in Paragraph 30.

31. Smart Dog University denies the allegations in Paragraph 31.

32. Smart Dog University denies the allegations in Paragraph 32.

33. Smart Dog University denies the allegations in Paragraph 33.

34. Smart Dog University denies the allegations in Paragraph 34.

35. Smart Dog University denies the allegations in Paragraph 35.

- 36. Smart Dog University denies the allegations in Paragraph 36.
- 37. Smart Dog University denies the allegations in Paragraph 37.
- 38. Smart Dog University denies the allegations in Paragraph 38.
- 39. Smart Dog University denies any additional allegations not specifically admitted above.

DEFENSES

- 40. There is no likelihood of confusion, mistake or deception between Smart Dog University's mark and the Opposer's mark.
- 41. There is no actual confusion between Smart Dog University's mark and the Opposer's mark, or with respect to customers or others.
- 42. There is no deceptiveness or false suggestion of a connection between Smart Dog University's mark and the Opposer's mark.
- 43. Innotek has abandoned the mark as registered in the Innotek Registration.
- 44. The Innotek Registration is generic.
- 45. The equitable defense of laches bars Innotek's Notice of Opposition.
- 46. The equitable defense of estoppel bars Innotek's Notice of Opposition.
- 47. The defense of acquiescence bars Innotek's Notice of Opposition.
- 48. Any opposition related to Application Serial No. 86/186,257 or Application Serial No. 86/117,460 is premature and not ripe unless and until registrations issue.

COUNTERCLAIM

- 49. Pursuant to 15 U.S.C. § 1064(3), 37 CFR § 2.106(b)(2), and Section 313 of the Trademark Trial and Appeal Board Manual of Procedure, Smart Dog University files this counterclaim to cancel Innotek's Registration No. 2,411,822, and avers as follows:

50. Smart Dog University has a direct and personal stake in the outcome of these proceedings, has an equal right to use the SMART DOG UNIVERSITY mark, and believes it will be damaged in the event that Innotek's Registration is not cancelled.

51. Smart Dog University is the owner of record of the Smart Dog University Application No. 1, with U.S. Ser. No. 86/092,854, for the mark SMART DOG UNIVERSITY used in connection with: "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 exercise services; Pet obedience training services; Pet training services; Providing information and advice in the field of pet training" in International Class 041. Printed information from the Trademark Status and Document Retrieval ("TSDR") electronic database records of the USPTO showing the current status and title of Smart Dog University Application No. 1 is attached as Exhibit 1.

52. Smart Dog University is owned and operated by Laurie Luck, who has been training and working with dogs and other companion animals for approximately twenty years. Ms. Luck is a highly accomplished trainer who fully embraces scientifically-based, force-free, positive reinforcement training for companion animals. Ms. Luck has a Master of Arts in psychology, has served as President of the Certification Council for Professional Dog Trainers ("CCPDT"), was certified by the CCPDT as a Certified Professional Dog Trainer and is a graduate of and faculty member for the Karen Pryor Academy for Animal Training and Behavior ("Karen Pryor Academy").

53. The Karen Pryor Academy is an educational institution and a pioneer in the development and use of force-free training methods for dogs and other companion animals. The Karen Pryor Academy understands the history and pit falls of punishment and aversive methods in training, and finds force-free, positive reinforcement methods of training to be more powerful and effective in every way. Consistent with its philosophy, the Karen Pryor Academy does not use and does not agree with the use of electronic collars, prong collars, choke collars, or other aversive training tools.

54. Ms. Luck and Smart Dog University wholly embrace force-free, positive reinforcement based training methods, and consistent with the Karen Pryor Academy, do not use and do not agree with the use of electronic collars, prong collars, choke collars, or other aversive training tools. Trainers who are interested in attending the Karen Pryor Academy seek out Ms. Luck with Smart Dog University to serve as a mentor because of her extensive experience, reputation, and dedication to force-free training methods. Smart Dog University and Ms. Luck also offer seminars and speaking engagements nationwide on force-free, positive reinforcement based training topics.

55. Smart Dog University offers group and private dog training in Maryland, with some of Smart Dog University's students traveling from out of state, including from Virginia, the District of Columbia, Pennsylvania, and Delaware.

56. Smart Dog University's Application No. 1 was published for opposition on April 1, 2014, and Innotek filed an opposition.

57. On December 18, 1998, the application with Serial No. 75/608,700 ("Innotek Application") was filed and matured into the Innotek Registration, U.S. Reg. No. 2, 411,822 ("Innotek Registration"), with a registration date of December 12, 2000. Printed information

from TSDR electronic database records of the USPTO showing the current status and title of Innotek's SMART DOG registration is attached as Exhibit 2.

58. The description of goods for the mark SMART DOG in the Innotek Registration is as follows: "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" in Class 009.

59. The word "DOG" is disclaimed in the Innotek Registration.

60. Since the time that Innotek filed the Innotek Application and received the Innotek Registration, the word "SMART" has subsequently taken on a generic meaning as it related to electronics, including as to the goods described in the Innotek Registration.

61. The current edition of the Collins English Dictionary defines "smart", inter alia, as "operating as if by human intelligence by using automatic computer control", as reflected in Exhibit 3.

62. Numerous third parties who deal with or in electronic goods and services use SMART to describe their goods and services.

63. The most salient example of the use of SMART to describe goods or services related to electronics relates to the generic term "smartphone," defined in the current edition of the Collins English Dictionary as "a mobile telephone with computer features that may enable it

to interact with computerized systems, send e-mails, and access the web,” as reflected in Exhibit 4.

64. As one example of how the term “smart” has become generic as to the goods described in Innotek’s Registration, on August 24, 2005, Perimeter Technologies, Inc. filed an application for the word mark SMART ZONE, which was assigned Serial No. 78/699,652 that matured unopposed into Registration No. 3,132,603 (“Perimeter Technologies Registration”), with a registration date of August 22, 2006. Printed information from the TSDR electronic database records of the USPTO showing the current status and title of Perimeter Technologies, Inc.’s SMART ZONE registration is attached hereto as Exhibit 5.

65. The Perimeter Technologies Registration disclaims the term “smart” and contains a description of goods of a “feature of an electronic animal containment system, namely, a transmitter and receiver used as an electronic pet deterrent where the receiver detects a radio frequency and activates within the coverage area.”

66. Based on information and belief, Innotek has been modifying the use of its SMART DOG mark over the years in response to the fact that its SMART DOG mark has become generic. For instance, a specimen filed by Innotek in 2006 shows how Innotek used the mark SMART DOG on its product cover, as reflected in Exhibit 6.

67. By 2010, Innotek changed its packaging to link the SMART DOG words with a curve design to the mark INNOTEK, as shown in a specimen filed by Innotek in 2010 and as reflected in Exhibit 7.

68. A June 2014 Google search of Innotek’s website, www.innotek.net, for the words “smart dog” turn up only two results, neither of which contain SMART DOG, but rather the term

“UltraSmart” for an “UltraSmart Probe Kit” and an “UltraSmart Contain ‘N’ Train”, as reflected in Exhibit 8.

69. Based on widespread use of the term “smart” as it relates to electronics including the goods described in the Innotek Registration, Innotek’s SMART DOG mark is now generic.

70. Based on information and belief, Innotek has failed to use the SMART DOG mark as registered, has no intent to resume use of the SMART DOG mark, and has therefore abandoned said mark.

71. In the event that Innotek’s SMART DOG mark is deemed not to be generic and Innotek is deemed not to have abandoned said mark for failure to use the mark as registered, Innotek’s rights as to the SMART DOG mark are very narrow, as said mark would be merely highly descriptive, and no likelihood of confusion exists between Innotek’s SMART DOG mark and Smart Dog University’s SMART DOG UNIVERSITY mark.

72. As evidence of how narrow Innotek’s SMART DOG mark is, in addition to Perimeter Technologies, Inc.’s registration reflected in Exhibit 4, dozens of third parties who deal with pet products and related goods and services have federally registered trademarks that contain SMART as part of their mark.

73. As reflected in Exhibit 9, Reg. No. 1, 559,337 was issued to Pacific Coast Distributing, Inc., dba Petsmart, for the mark PETSMART in conjunction with wholesale distributorship and retail pet supply store services in IC Class 42.

74. As reflected in Exhibit 10, Reg. No. 1,840,778 was issued to Smart & Final Stores Corporation for the mark SMARTY in conjunction with wet and dry dog and cat food, dog biscuits, and cat litter in IC Class 31.

75. As reflected in Exhibit 11, Reg. No. 2,776,584 was issued to Happy Puppy Kindergarten, Inc. for the mark PUPPYSMARTS in conjunction with prerecorded video cassettes, digital video discs and compact discs on the subject of animal obedience and behavioral training in IC Class 9.

76. As reflected in Exhibit 12, Reg. No. 3,102,115 was issued to The Iams Company for the mark IAMS SMART PUPPY in conjunction with foodstuffs for dogs in IC Class 31.

77. As reflected in Exhibit 13, Reg. No. 3,156,061 was issued to Petsmart Store Support Group, Inc. for the mark SMART PETS in conjunction with pet training services in IC Class 41.

78. As reflected in Exhibit 14, Reg. No. 3,160,912 was issued to Worldwise, Inc. for the mark SMARTYKAT in conjunction with pet toys, in IC Class 28.

79. As reflected in Exhibit 15, Reg. No. 3,196,335 was issued to Petsmart Store Support Group, Inc. for the mark PETSMART with a ball and bounce design, in conjunction with retail store services and related services in IC Class 35, educational services and related services in IC Class 41, pet boarding, kennel, daycare, and related services in IC Class 43, pet grooming and related services in IC Class 44, and pet adoption and related services in IC Class 45.

80. As reflected in Exhibit 16, Reg. No. 3,220,843 was issued to Cargill, Inc. for the mark NATURE SMART in conjunction with animal feed in IC Class 31.

81. As reflected in Exhibit 17, Reg. No. 3,247,549 was issued to Sunshine Mills, Inc. for the mark EXTRA SMART! in conjunction with foodstuffs for animals in IC Class 31.

82. As reflected in Exhibit 18, Reg. No. 3,330,768 was issued to Doane Pet Care Company for the mark SMART BITES in conjunction with pet foods, including pet treats, in IC Class 31.

83. As reflected in Exhibit 19, Reg. No. 3,227,779 was issued to Midwestern Pet Foods, Inc. for the mark SMART REWARDS in conjunction with edible pet treats in IC Class 31.

84. As reflected in Exhibit 20, Reg. No. 3,237,319 was issued to Bergan, LLC for the mark SMART STORAGE in conjunction with pet food containers in IC Class 21.

85. As reflected in Exhibit 21, Reg. No. 3,357,904 was issued to The Iams Company for the mark BREEDSMART in conjunction with foodstuffs for animals in IC Class 31, for providing a website via a global computer network featuring information in the field of dog training tips in IC Class 41, and for providing a website via a global computer network featuring information in the field of dog care namely nutritional advice and breeding in IC Class 44.

86. As reflected in Exhibit 22, Reg. No. 3,357,102 was issued to Tracy M. St. Pierre for the mark HOW SMART IS YOUR DOG? in conjunction with pet toys, in IC Class 28.

87. As reflected in Exhibit 23, Reg. No. 3,341,307 was issued to Petsmart Store Support Group, Inc. for the mark THAT'S SMART in conjunction with retail store and related services in IC Class 35, educational and related services in IC Class 41, pet boarding and related services in IC Class 43, pet grooming and related services in IC Class 44, and pet adoption and related services in IC Class 45.

88. As reflected in Exhibit 24, Reg. No. 3,326,238 was issued to Katherine ONeal for the mark HAPPY, CLEAN AND SMART in conjunction with boarding for animals and pet day care services in IC Class 43.

89. As reflected in Exhibit 25, Reg. No. 3,399,613 was issued to Christopher Onthank for the mark DOG GONE SMART in conjunction with pre-recorded DVDs and videos featuring dog training instruction in IC Class 9, seat covers for vehicles in IC Class 12, pet leashes, pet collars, dog jackets and fabric crate pads for use in pet training in IC Class 18, dog beds and crate pads in IC Class 20, retail store services featuring pet supplies in IC Class 35, dog training services and related services in IC Class 41, canine center services and related services in IC Classes 43 and 44.

90. As reflected in Exhibit 26, Reg. No. 3,420,018 was issued to Petstages, Inc. for the mark SMART PAW in conjunction with plastic teething, chewing and clawing toys for dogs, cats and birds in IC Class 28.

91. As reflected in Exhibit 27, Reg. No. 3,453,791 was issued to Premier Pet Products, LLC for the mark SMART BOWL in conjunction with pet feeding dishes in IC Class 21.

92. As reflected in Exhibit 28, Reg. No. 3,467,978 was issued to Christopher Onthank for the mark DOG GONE SMART in conjunction with pamphlets and handouts on the subject of dog training in IC Class 16.

93. As reflected in Exhibit 29, Reg. No. 3,589,265 was issued to S&E Marketing, LLC for the mark SMART FENCES in conjunction with online retail store services featuring pet training products, specifically wireless pet training and containment systems in IC Class 35.

94. As reflected in Exhibit 30, Reg. No. 3,640,248 was issued to Food Lion, Inc. for the mark SMART OPTION in conjunction with, inter alia, pet food in IC Class 31.

95. As reflected in Exhibit 31, Reg. No. 3,678,351 was issued to Guard-A-Kid Franchising Corp. for the mark SMART I.D. and design, in conjunction with an electronic

database containing identification and medical information of children, people and pets to aid in recovery of missing children, people and pets in IC Class 9.

96. As reflected in Exhibit 32, Reg. No. 3,758,436 was issued to Natural Polymer International Corp. for the mark SIMPLY SMART in conjunction with cat and dog treats and related products in IC Class 31.

97. As reflected in Exhibit 33, Reg. No. 3,782,318 was issued to Sergeant's Pet Care Products, Inc. for the mark SMARTDIPS in conjunction with rawhide pet treats in IC Class 18.

98. As reflected in Exhibit 34, Reg. No. 3,797,509 was issued to Schlotterbeck & Foss Company for the mark SMART PUP in conjunction with dietary supplements for animals and pets in IC Class 5.

99. As reflected in Exhibit 35, Reg. No. 3,848,738 was issued to Petsmart Store Support Group, Inc. for the mark PETSMART. WE LOVE TO SEE HEALTHY, HAPPY PETS in conjunction with retail and on-line store services featuring pet food, pet supplies and pet accessories in IC Class 35.

100. As reflected in Exhibit 36, Reg. No. 3,865,254 was issued to Pet Food Express, LTD for the mark SMART STUFF FOR PETS in conjunction with pet food, snacks and litter in IC Class 31.

101. As reflected in Exhibit 37, Reg. No. 3,929,653 was issued to Little Gifts, Inc. for the mark SMART TAG in conjunction with pet accessories, namely pet identification tags, in IC Class 6.

102. As reflected in Exhibit 38, Reg. No. 3,951,388 was issued to Pet Food Express, LTD for the mark SMART STUFF FOR PETS in conjunction with pet stain and odor removers in IC Class 3.

103. As reflected in Exhibit 39, Reg. No. 3,940,612 was issued to OTC, Inc. for the mark SMART BRAND PRODUCTS in conjunction with dietary and nutritional supplements for animals in IC Class 5.

104. As reflected in Exhibit 40, Reg. No. 4,018,819 was issued to Pet Food Express, LTD for the mark SMART LITTER in conjunction with cat litter in IC Class 31.

105. As reflected in Exhibit 41, Reg. No. 4,022,294 was issued to Pet Food Express, LTD for the mark SMART STUFF FOR PETS in conjunction with disposable housebreaking pads for pets and plastic bags for pet waste in IC Class 16.

106. As reflected in Exhibit 42, Reg. No. 4,067,243 was issued to IPP LLC for the mark SMARTLEASH in conjunction with dog leashes in IC Class 18.

107. As reflected in Exhibit 43, Reg. No. 4,090,731 was issued to Smartpak Equine, LLC for the mark SMARTDARK & HANDSOME in conjunction with animal feed supplements in IC Class 5.

108. As reflected in Exhibit 44, Reg. No. 4,105,890 was issued to Spitfire Global, Inc. for the mark HEARTSMART in conjunction with dog biscuits and dog treats in IC Class 31.

109. As reflected in Exhibit 45, Reg. No. 4,120,323 was issued to Groomsmart, Inc. for the mark GROOMSMART in conjunction with pet grooming services in IC Class 44.

110. As reflected in Exhibit 46, Reg. No. 4,143,749 was issued to Chongtoua Smart Products, LLC for the mark SCOOP SMART in conjunction with disposable paper boxes for collecting pet waste or carrying food in IC Class 16.

111. As reflected in Exhibit 47, Reg. No. 4,171,475 was issued to Smartpak Equine for the mark SMARTMARE in conjunction with animal feed supplements in IC Class 5.

112. As reflected in Exhibit 48, Reg. No. 4,191,744 was issued to Christopher Walach for the mark SMART KENNEL with a rectangular design in conjunction with dog kennels and related products in IC Class 20.

113. As reflected in Exhibit 49, Reg. No. 4,228,145 was issued to AGIS, Inc. for the mark SMARTBUYS in conjunction with, inter alia, potties for dogs in IC Class 21.

114. As reflected in Exhibit 50, Reg. No. 4,238,252 was issued to Heather Merritt for the mark SMARTDOG JERKY in conjunction with dog food and dog treats in IC Class 31.

115. As reflected in Exhibit 51, Reg. No. 4,243,162 was issued to Petmatrix LLC for the mark SMARTCHIPS in conjunction with dog biscuits, treats and chews in IC Class 31.

116. As reflected in Exhibit 52, Reg. No. 4,250,486 was issued to Smarthealth, Inc. for the mark SMARTPRACTICE in conjunction with, inter alia, veterinary supplies, instruments and apparel in IC Classes 5, 10, 18 and 21.

117. As reflected in Exhibit 53, Reg. No. 4,251,068 was issued to Petmatrix LLC for the mark SMARTSTICKS in conjunction with dog biscuits, treats and chews in IC Class 31.

118. As reflected in Exhibit 54, Reg. No. 4,255,241 was issued to Select Sires, Inc. for the mark SIMPLE. SMART. PROGRESSIVE. in conjunction with animal breeding in IC Class 44.

119. As reflected in Exhibit 55, Reg. No. 4,262,154 was issued to Farnam Companies, Inc. for the mark SMART SHIELD with a shield design in conjunction with animal health and grooming solution applicators and related products in IC Class 5.

120. As reflected in Exhibit 56, Reg. No. 4,298,291 was issued to Pet Fusion LLC for the mark SMARTGRIP in conjunction with pet litter pan floor mats in IC Class 27.

121. As reflected in Exhibit 57, Reg. No. 4,308,808 was issued to Lincoln Bark LLC for the mark TREAT SMART in conjunction with pet treats in IC Class 31.

122. As reflected in Exhibit 58, Reg. No. 4,343,794 was issued to Rolf C. Hagen Inc. for the mark SMARTSIFT in conjunction with animal litter boxes, pans and liners in IC Class 21.

123. As reflected in Exhibit 59, Reg. No. 4,357,834 was issued to Petmatrix LLC for the mark THE SMART ALTERNATIVE TO RAWHIDE in conjunction with dog biscuits, treats and chews in IC Class 31.

124. As reflected in Exhibit 60, Reg. No. 4,409,551 was issued to Karl Storz GMBH & CO. for the mark SMART with a bullseye design in conjunction with, inter alia, veterinary instruments and related printed materials, products and services in IC Classes 9, 10, 16, 35, 36, 37, 38, 39, 41, 42, and 44.

125. As reflected in Exhibit 61, Reg. No. 4,409,620 was issued to Livesmart 360, LLC for the mark LIVE SMART 360 THREE SIXTY with a circular design in conjunction with, inter alia, pet care preparations in IC Classes 5 and 35.

126. As reflected in Exhibit 62, Reg. No. 4,481,786 was issued to Purina Animal Nutrition LLC for the mark HEIFERSMART in conjunction with medicated animal feed in IC Class 5.

127. As reflected in Exhibit 63, Reg. No. 4,302,548 was issued to The Nutro Company for the mark SMART STEP in conjunction with pet food in IC Class 31.

128. As reflected in Exhibit 64, Reg. No. 4,302,558 was issued to The Nutro Company for the mark SMART TREATING in conjunction with providing information in the fields of pet health and pet nutrition in IC Class 44.

129. As reflected in Exhibit 65, Reg. No. 4,357,586 was issued to The Nutro Company for the mark SMARTBITES in conjunction with pet food and pet treats in IC Class 31.

130. As reflected in Exhibit 66, Reg. No. 4,485,375 was issued to Kyle Maushardt for the mark SMART DOG JOGGING in conjunction with pet sitting in IC Class 45.

131. As reflected in Exhibit 67, Reg. No. 4,498,230 was issued to Kyle Maushardt for the mark SMART PUPPY PLAN in conjunction with pet sitting in IC Class 45.

132. As reflected in Exhibit 68, Reg. No. 4,537,822 was issued to Ainsworth Pet Nutrition, Inc. for the mark BETTER THAN EARS THE SMARTER CHOICE with a thought bubble design in conjunction with pet treats in IC Class 31.

133. As reflected in Exhibit 69, Reg. No. 4,538,965 was issued to Gen 7, Inc. for the mark SMART-FEATURES in conjunction with pet strollers, canopies and baskets in IC Class 12.

134. As reflected in the printed information from the TSDR electronic database records of the USPTO attached as Exhibit 70, VS Holdings, LLC has filed Application Serial No. 86/078,192 for the mark SMART PRODUCTS FOR PETS in conjunction with distributorships in the field of pet treats, pet foods and pet toys, over the counter medications, and related business services in IC Class 35.

135. As reflected in the printed information from the TSDR electronic database records of the USPTO attached as Exhibit 71, Pioneer Pet Products, LLC has filed Application Serial No. 85/399,401 for the mark SMARTCAT with an oval and cat design in conjunction with pet equipment, namely automated pet waterers and feeders, scratching and climbing structures, feeding dishes, litter boxes and other related pet equipment in IC Classes 7, 20, 21 and 28.

136. As reflected in the printed information from the TSDR electronic database records of the USPTO attached as Exhibit 72, Petmatrix LLC has filed Application Serial No. 86/217,151 for the mark SMARTCHEW in conjunction with dog biscuits, treats and chews in IC Class 31.

137. Other third parties use the term “smart” as part of their mark for dog products and dog training services. As reflected in the Exhibit 73 and the website www.smartdog.uk.com, Four Legged Trends Limited in the United Kingdom uses the mark “SmartDog” in conjunction with its wirefree electronic dog tracking device.

138. As reflected in Exhibit 74 and the website www.smartdogstrainingandlodging.com, Smart Dogs Training and Lodging in Illinois uses the mark “Smart Dogs Training and Lodging” in conjunction with dog training and boarding services.

139. As reflected in Exhibit 75 and the website www.mysmartpuppy.com, My Smart Puppy Media, LLC uses the mark “My Smart Puppy” in conjunction with dog training services and educational products.

140. As reflected in Exhibit 76 and the website www.onesmartk9.com, One Smart K9 in Blacklick, Ohio uses the mark “One Smart K9” in conjunction with dog training and boarding services.

141. As reflected in Exhibit 77 and the website www.smartdogsdogtraining.com, Smart Dogs Dog Training in California uses the mark “Smart Dogs Dog Training” in conjunction with dog training services.

142. As reflected in Exhibit 78 and the website www.smartdogsolutions.com, Smart Dog Solutions in Hamburg, New York uses the mark “Smart Dog Solutions” in conjunction with dog training services.

143. These registrations, applications and website printouts demonstrate that, even assuming Innotek’s SMART DOG mark is not deemed to be generic, Innotek’s rights as to the SMART DOG mark would be very narrow, as said mark is merely highly descriptive and lacks secondary meaning and is in no way distinctive of Innotek’s goods.

144. No likelihood of confusion exists between Innotek’s SMART DOG mark and Smart Dog University’s SMART DOG UNIVERSITY. Even assuming there were a likelihood of confusion between Innotek’s SMART DOG mark and Smart Dog University’s SMART DOG UNIVERSITY mark, based on information and belief, Innotek has abandoned its SMART DOG mark, having known of Smart Dog University’s SMART DOG UNIVERSITY mark and the other marks above, and having failed to police its rights to its SMART DOG mark.

145. Based on information and belief, Innotek knew of Smart Dog University and its SMART DOG UNIVERSITY mark since at least 2006, when Smart Dog University filed an application for the SMART DOG UNIVERSITY mark with a logo, and which was assigned Serial No. 78/830,738. Printed information from the TSDR electronic database records of the USPTO showing the current status and title of that Smart Dog University application is attached hereto as Exhibit 79.

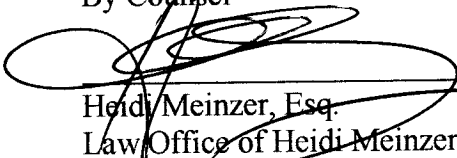
146. As a result of Innotek’s failure to enforce its claimed rights to the SMART DOG mark, to the extent that it has such rights, against Smart Dog University and other third parties, Innotek has abandoned said mark.

147. Based on the above, Innotek’s Registration should be cancelled.

Therefore, Smart Dog University prays that the Notice of Opposition be dismissed with prejudice, and also respectfully requests that U.S. Reg. No. 2,411,822 be cancelled.

Respectfully Submitted,
SMART DOG UNIVERSITY, LLC
By Counsel

Dated: June 10, 2014



Heidi Meinzer, Esq.
Law Office of Heidi Meinzer, PLLC
114 North Alfred Street
Alexandria, VA 22314
(703) 548-1915
(703) 548-1898 (fax)
heidi@meinzerlaw.com

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing ANSWER, DEFENSES AND COUNTERCLAIM was served upon Innotek's counsel by first class mail, postage prepaid (with exhibits), and via email (without exhibits), to the following on this 10th day of June 2014:

R. Bradford Brittan
Merchant & Gould P.C.
P.O. Box 2910
Minneapolis, MN 55402

Ian G. McFarland
R. Bradford Brittan
John T. Winemiller
Merchant & Gould P.C.
9717 Cogdill Road, Suite 101
Knoxville, TN 37932
imcfarland@merchantgould.com
bbrittan@merchantgould.com
jwinemiller@merchantgould.com



Heidi Meinzer

EXHIBIT 2

Generated on: This page was generated by TSDR on 2014-06-05 13:23:54 EDT

Mark: SMART DOG UNIVERSITY

Smart Dog University

US Serial Number: 86092854

Application Filing Date: Oct. 16, 2013

Filed as TEAS Plus: Yes

Currently TEAS Plus: Yes

Register: Principal

Mark Type: Service Mark

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: May 01, 2014

Publication Date: Apr. 01, 2014

Mark Information

Mark Literal Elements: SMART DOG UNIVERSITY

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

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 incontestability; and
- Asterisks *, *, * identify additional (new) wording in the goods/services.

For: 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 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: Sep. 16, 2005

Use in Commerce: Sep. 26, 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: 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: 51-00002

Attorney Primary Email heidi@meinzerlaw.com

Attorney Email Yes

Correspondent Address: Ian G. McFarland
Merchant & Gould, PC
P.O. Box 2910
Minneapolis MN , 55402-9944
UNITED STATES

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

Associated marks

Mark	Application Status	Serial Number	Registration Number
SMART DOG	Renewed	<u>75608700</u>	<u>2411822</u>

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	May 01, 2014	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	May 01, 2014	Jun 10, 2014
3	PENDING. INSTITUTED	May 01, 2014	

Currently, the Trademark Status and Documents Retrieval (TSDR) system is not properly displaying certain documents uploaded between May 27, 2014 and May 30, 2014. The USPTO is currently working to resolve this issue. We apologize for any inconvenience. Please contact TEAS@uspto.gov with any questions.

STATUS DOCUMENTS

[Back to Search](#)

Print

Generated on: This page was generated by TSDR on 2014-06-09 20:20:19 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 incontestability; and
- 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**Attorney/Correspondence Information****Attorney of Record****Attorney Name:** Jacob G. Horton**Docket Number:** 34185.82**Correspondent****Correspondent** Jacob G. Horton**Name/Address:** 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****Total Assignments:** 11**Conveyance Filter**
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**Address:** 1900 EAST NINTH STREET
CLEVELAND, OHIO 44114**State or Country Where Organized:** No Place Where Organized Found**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**Assignee****Name:** NATIONAL CITY BANK**Legal Entity Type:** NATIONAL BANKING ASSOCIATION**State or Country Where Organized:** UNITED STATES**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**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 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/FRAME 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** INDIANA**Organized:****Assignee****Name:** FIFTH THIRD BANK, AS ADMINISTRATIVE AGENT**Legal Entity Type:** BANKING CORPORATION**State or Country Where** OHIO**Organized:****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** No Place Where Organized Found**Organized:****Assignee****Name:** INNOTEK, INC.**Legal Entity Type:** CORPORATION**State or Country Where** INDIANA**Organized:****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

Legal Entity Type: CORPORATION

Execution Date: Oct. 23, 2012

State or Country Where
Organized: DELAWAREName: INNOTEK, INC.

Legal Entity Type: CORPORATION

Execution Date: Oct. 23, 2012

State or Country Where
Organized: ILLINOISName: INVISIBLE FENCE, INC.

Legal Entity Type: CORPORATION

Execution Date: Oct. 23, 2012

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 STATESAddress: 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

Legal Entity Type: CORPORATION

Execution Date: Oct. 23, 2012

State or Country Where
Organized: DELAWAREName: INNOTEK, INC.

Legal Entity Type: CORPORATION

Execution Date: Oct. 23, 2012

State or Country Where
Organized: ILLINOISName: INVISIBLE FENCE, INC.

Legal Entity Type: CORPORATION

Execution Date: Oct. 23, 2012

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 STATESAddress: 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****Summary****Party type****Proceeding type**

Number of Proceedings: 1

Type of Proceeding: Opposition

Proceeding Number: 91216164

Filing Date: May 01, 2014

Status: Pending

Status Date: May 01, 2014

Interlocutory Attorney: ANDREW P BAXLEY

Defendant

Name: Smart Dog University, LLC

Correspondent Address: HEIDI MEINZER
LAW OFFICE OF HEIDI MEINZER, PLLC
114 N ALFRED ST
ALEXANDRIA VA , 22314-3011

Correspondent e-mail: heidi@meinzerlaw.com

Associated marks**Mark**

SMART DOG UNIVERSITY

Application Status

Opposition Pending

Serial Number

86092854

Registration Number

Plaintiff(s)**Name:** Innotek, Inc.**Correspondent Address:** Ian G. McFarland
Merchant & Gould, PC
P.O. Box 2910
Minneapolis MN , 55402-9944
UNITED STATES**Correspondent e-mail:** dockmpls@merchantgould.com , akreis@merchantgould.com**Associated marks****Mark**

SMART DOG

Application Status

Renewed

Serial Number75608700**Registration Number**2411822**Prosecution History****Entry Number****History Text****Date****Due Date**

1

FILED AND FEE

May 01, 2014

2

NOTICE AND TRIAL DATES SENT; ANSWER DUE:

May 01, 2014

Jun 10, 2014

3

PENDING, INSTITUTED

May 01, 2014

EXHIBIT 3



Browse Dictionary # A B C D E F G H I J K L M N O P

The Collins English Dictionary	The Collins American English Dictionary	The Co
The Cobuild American English for Learners Dictionary	The Collins English-French Dictionary	The Co
The Collins English-German Dictionary	The Collins German-English Dictionary	The Co
The Collins Spanish-English Dictionary	The Collins English-Italian Dictionary	The Co
The Collins English Thesaurus	The Collins American Thesaurus	Latest f

You are here > [Home](#) > [English Dictionary](#) > Definition of "smart"

English

English for Learners

French

German

Spanish


Italian

English Dictionary

Pioneers in dictionary publishing since 1819

Your search found: [smart](#) [Smart](#) [Usage examples](#) [Trends](#)

Wor

smart (sma:t )

Sf

Definitions

adjective

1. astute, as in business; clever or bright
2. quick, witty, and often impertinent in speech ⇒ *a smart talker*
3. fashionable; chic ⇒ *a smart hotel*
4. well-kept; neat
5. causing a sharp stinging pain
6. vigorous or brisk
7. (*dialect*) considerable or numerous ⇒ *a smart price*
8. (of systems) operating as if by human intelligence by using automatic computer control
9. (of a projectile or bomb) containing a device that allows it to be guided to its target

verb (*mainly intransitive*)

10. to feel, cause, or be the source of a sharp stinging physical pain or keen mental distress ⇒ *a nettle*

W

Tr
th
lik

sting smarts, he smarted under their abuse

11. (often followed by *for*) to suffer a harsh penalty

noun

12. a stinging pain or feeling

adverb

13. in a smart manner

Derived Forms

'**smartish** *adjective*

'**smartly** *adverb*

'**smartness** *noun*

Word Origin

Old English *smeortan*; related to Old High German *smerzan*, Latin *mordere* to bite, Greek *smerdnos* terrible

Synonyms

[View thesaurus entry](#)

= **chic**, **trim**, **neat**, **fashionable**, **stylish**, **fine**, **elegant**, **trendy**, **spruce**, **snappy**, **natty**, **modish**, well turned-out, schmick,

= **clever**, **bright**, **intelligent**, **quick**, **sharp**, **keen**, **acute**, **shrewd**, **apt**, **ingenious**, **astute**, **canny**, **quick-witted**,

= **fashionable**, **stylish**, **chic**, **genteel**, in vogue, voguish

= **brisk**, **quick**, **lively**, **vigorous**, **spirited**, cracking, **spanking**, **jaunty**

= **stinging**, **hard**, **sharp**, **keen**, **painful**, **piercing**, **resounding**

= **impertinent**, **pointed**, **ready**, **witty**, **saucy**, smart-alecky, nimble-witted

= **sting**, **burn**, **tingle**, **pain**, **hurt**, **throb**

= **feel resentful**, feel annoyed, feel offended, feel wounded, feel indignant

= **sting**, **pain**, smarting, **pang**, soreness, burning sensation

Smart (smart ⓘ)

Definitions

noun

Christopher. 1722–71, British poet, author of *A Song to David* (1763) and *Jubilate Agno* (written 1758–63, published 1939). He was confined (1756–63) for religious mania and died in a debtors' prison

Br

Translations for 'smart'

British English: smart 🗨️ *Smart* people and things are pleasantly neat and clean in appearance. I wore a black dress and looked very smart. smart ADJECTIVE

[Show more](#)

Arabic: ذكي 🗨️

Chinese: 聪明的 🗨️

Czech: upravený 🗨️ hezký

Dutch: chic 🗨️

Finnish: huoliteltu 🗨️

German: schick 🗨️

Italian: intelligente 🗨️

Korean: 말쑥한 🗨️

Polish: inteligentny 🗨️ *inteligentna*

Romanian: elegant *elegant, elegantă, elegantî, elegante*

Swedish: stilig 🗨️ *stiligt*

Turkish: şık 🗨️

Vietnamese: bánh bao 🗨️

Brazilian Portuguese: elegante 🗨️

Croatian: elegantan 🗨️

Danish: kvik 🗨️

European Spanish: elegante 🗨️

French: élégant 🗨️

Greek: ευφυής 🗨️

Japanese: スマートな 🗨️

Norwegian: smart 🗨️

Portuguese: elegante 🗨️

Russian: умный 🗨️ *умная*

Spanish: elegante 🗨️

Thai: สะอาดและประณีต 🗨️

Ukrainian: чепурний

“s

W

Example Sentences Including 'smart'

"Just like with the Three Gorges, the Chinese government is using brute force, rather than smart economics. GLOBE AND MAIL (2003)

Vi

At the moment what little they had could be dispersed instantly by one indignant snort from a smart lawyer's nostrils.

#7

Anthony Masters CASCADES - THE DAY OF THE DEAD (2001)

By the time you get into the Cup series, though, you should be smart , not a bull in a china shop. MAXIM (2005)

Of course, politicians have noticed (the smart ones, that is): she has been virtually expropriated by the



Labour Party.

Boris Johnson LEND ME YOUR EARS (2003)

Slamming the opposition may seem a smart idea - in fact it may provide the foes with ammunition they can use against you.

GLASGOW HERALD (2001)

The spirits in them are just whatever the necromancer could call quickly, so they're neither powerful nor smart.

Garth Nix LIRAE: DAUGHTER OF THE CLAYR (2001)

We are fortunate to have smart investors to recognise a good company in a bad market.

GLASGOW HERALD (2001)

With the quality in their squad they must be able to find a solution, but Keane is a winner, so smart and so strong.

IRISH TIMES (2002)

You could see she was dying to say "Don't you get smart with me, my lad!

Kate Cann READY? (2001)

Sponsored Links

Ad by Google related to: **smart**

[Military Friendly College](#)

www.bakercollegeonline.com/AirForce

Earn Your Degree On Your Own Terms. Official Site - Get Started Today!

Associates Degree Online Bachelors Degree Online

All Degrees & Programs Request More Program Info

Comments

Have your say about this word...



EXHIBIT 4



Create an account

Sign In

Dictionaries

Thesaurus

Translator

Words & Language

Browse Dictionary

A B C D E F G H I J K L M N O P

The Collins English Dictionary

The Collins American English Dictionary

The Co

The Cobuild American English for Learners Dictionary

The Collins English-French Dictionary

The Co

The Collins English-German Dictionary

The Collins German-English Dictionary

The Co

The Collins Spanish-English Dictionary

The Collins English-Italian Dictionary

The Co

The Collins English Thesaurus

The Collins American Thesaurus

Latest

© Collins 2014

Tools & Widgets

API

Advertisin

You are here > [Home](#) > [English Dictionary](#) > Definition of "smartphone"

English

English for Learners

French

German

Spanish

Italian

English Dictionary

Pioneers in dictionary publishing since 1819

Your search found: [smartphone](#) [Usage examples](#) [Trends](#)

Wor

smartphone ('smɑ:tˌfəʊn ⓘ)

Sf

Definitions

noun

(*computing*) a mobile telephone with computer features that may enable it to interact with computerized systems, send e-mails, and access the web

W

W
tra

Example Sentences Including 'smartphone'

Nokia hasn't really gone into the smartphone market, but its Series 60 software seems to be giving it a boost.
NEW ZEALAND HERALD (2004)

The Japanese-European joint cellphone venture Sony Ericsson this month launches its P910 internet-capable smartphone.
NEW SCIENTIST (2004)

The P800 smartphone can take pictures, browse the Internet and store MP3 music.
SUN, NEWS OF THE WORLD (2002)

The founders, three mobile software veterans who once managed British smartphone software firm Symbian, expect a hit.
NEW ZEALAND HERALD (2004)

Sponsored Links

Ads by Google related to: **smartphone**

LG Smartphones

www.lg.com/Smartphones

Discover the Most Cutting-Edge LG **Smartphones** For All Your Needs!

24,645 people follow LG Electronics on Google+

Curved Flexible LG G Flex Intuitive LG G2 Phone

New LG G3: Just Announced Sign Up for Mobile News

GoWireless Smartphones

www.gowireless.com/

Compare Samsung, HTC & More. Search Our Selection & Buy Online!

Samsung Smartphone Deals

samsungsmartphones.compared4u.net/

Great Deals on All Samsung Phones. Compare Latest Offers & Save Money!

Comments

[Log in](#) to comment on this word.

smartarse

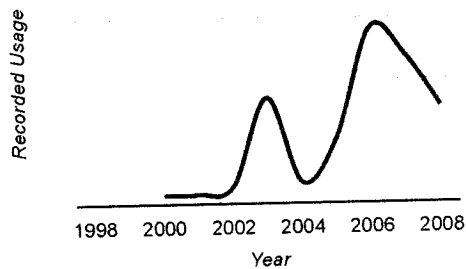
smartarsed

smartass

All English words that begin with 'S'

“smartphone” photos from Flickr

Word usage trends for “smartphone”



View usage over:

#Twictionary



The 25 most-used
words in English:
Can you use them to
learn a new
language?

EXHIBIT 5

Generated on: This page was generated by TSDR on 2014-06-05 17:04:05 EDT

Mark: SMART ZONE

SMART ZONE

US Serial Number: 78699652
US Registration Number: 3132603
Register: Principal
Mark Type: Trademark
Status: A Sections 8 and 15 combined declaration has been accepted and acknowledged.
Status Date: Aug. 23, 2012
Publication Date: May 30, 2006

Application Filing Date: Aug. 24, 2005
Registration Date: Aug. 22, 2006

Mark Information

Mark Literal Elements: SMART ZONE
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
Disclaimer: "SMART"

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: Feature of an electronic animal containment system, namely, a transmitter and receiver used as an electronic pet deterrent where the receiver detects a radio frequency and activates within the coverage area

International Class(es): 009 - Primary Class

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

Class Status: ACTIVE

Basis: 1(a)

First Use: Aug. 15, 2005

Use in Commerce: Aug. 15, 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: Perimeter Technologies, Inc.
Owner Address: 4601 Malsbary Road
Cincinnati, OHIO 45242
UNITED STATES
Legal Entity Type: CORPORATION
State or Country Where Organized: OHIO

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Jason M. Theobald
Attorney Primary Email: jtheobald@reachusa.com
Address:

Attorney Email Yes
Authorized:

Correspondent

Correspondent Jason M. Theobald

Name/Address: 9850 Redhill Drive
Blue Ash, OHIO 45242
UNITED STATES

Phone: 5137944151

Fax: 513-794-4139

Correspondent e-mail: jtheobald@reachusa.com

Correspondent e-mail Yes
Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Aug. 23, 2012	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Aug. 23, 2012	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	75461
Aug. 22, 2012	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	75461
Aug. 02, 2012	TEAS SECTION 8 & 15 RECEIVED	
Aug. 22, 2006	REGISTERED-PRINCIPAL REGISTER	
May 30, 2006	PUBLISHED FOR OPPOSITION	
May 10, 2006	NOTICE OF PUBLICATION	
Apr. 12, 2006	LAW OFFICE PUBLICATION REVIEW COMPLETED	70138
Mar. 31, 2006	ASSIGNED TO LIE	70138
Mar. 25, 2006	APPROVED FOR PUB - PRINCIPAL REGISTER	
Mar. 20, 2006	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Mar. 16, 2006	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Mar. 16, 2006	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Mar. 16, 2006	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Mar. 14, 2006	NON-FINAL ACTION E-MAILED	6325
Mar. 14, 2006	NON-FINAL ACTION WRITTEN	77300
Mar. 11, 2006	ASSIGNED TO EXAMINER	77300
Sep. 01, 2005	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 102

Date in Location: Aug. 23, 2012

EXHIBIT 6



**SMART
DOG**

Premium Rechargeable In-ground Pet Fencing System

Play it safe.TM

NEW!
Free Professional
Training Support

Kit includes:

insulated primary wire,
FastTrak pre-twisted wire,
lightning protection maxi-
dial, transmitter, flag, train-
ing flags, hardware kit, train-
ing collar. **FREE** Professional
Training Support System.

Easy training video



Collar
receiver



FastTrak
pre-twisted
wire



Boundary
wire

Lightning
Protection



Training flags

Wall-mount-
ed interface
transmitter
with adapter





Play it safe.™

You want the best. The Smart Dog™ Premium Rechargeable In-ground Pet Fencing System is it! Includes our newest full-featured system with a redesigned transmitter and a waterproof microline collar. Boundary self-check, audible and visual wire break alarm, and built-in battery back-up* gives you peace of mind that it's working. Deluxe lightning protection provides an added safeguard during storms – exclusively available in Smart Dog Premium Systems.

Your time is valuable – that's why we've included FasTrak wire. This pre-twisted wire makes installation easier, more convenient and faster. Your dog can be safe in your yard in less time than ever before! We'll even help you design your yard layout. Our step-by-step training program helps your dog quickly learn which areas are off limits. **FREE** Professional Training Support and eXtreme Customer Care programs virtually guarantee your satisfaction. Play it safe – with Smart Dog!



Features:

- Deluxe lightning protection
- FasTrak pre-twisted wire
- Transmitter with battery back-up and wire break alarms
- Run-through prevention offers secure, reliable containment
- Microline waterproof rechargeable collar with recharge reminder
- Multiple levels adjust to fit your dog's temperament

3 Easy Steps

Step 1

Install the transmitter

(Fits standard household outlet)



Step 2

Bury the boundary wire



Step 3

Train your dog





**SMART
DOG**

Premium Rechargeable In-ground Pet Fencing System

Play it safe.™

*Keeps your dog
safe in your yard*

*Newest full-featured
system plus upgraded
lightning protection*

*Easy do-it-yourself
installation*

*FasTrak Wire – saves
time and effort*

*Limited Lifetime
Warranty*



NEW!
Free Professional
Training Support

EXHIBIT 7





Declaration

Section 8: Declaration of Use in Commerce

Unless the owner has specifically claimed exclusive nature, the mark is in use in commerce on or in connection with the goods and/or services identified above, as evidenced by the attached specimen(s) showing the mark as used in commerce.

Section 9: Application for Renewal

The registrant requests that the registration be renewed for the goods and/or services identified above.

The undersigned being hereby warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements and the like may jeopardize the validity of this document, declares that he/she is properly authorized to execute this document on behalf of the Owner, and all statements made of his/her own knowledge are true and that all statements made on information and belief are believed to be true.

Signature Section:

Signature: _____

Date: 8/6/10


Signatory's Name: Christopher Mainini

Signatory's Position: Trademark Administrator

EXHIBIT 8

PetSafe INNOTEK

Free Shipping on Orders Over \$50
All other orders just \$5.95

[International](#) | [About Radio Systems](#) Search Keywords 
[Cart](#) [Orders](#) [Profile](#) [Login](#)

[PRODUCTS](#) [WHERE TO BUY](#) [REGISTER PRODUCT](#) [CUSTOMER CARE](#)

smart dog [Go](#)



UltraSmart Probe Kit

Replacement skin contacts for your UltraSmart collar



UltraSmart Contain 'N' Train

Keep your dog safe in the yard and well behaved

EXHIBIT 9

Renewed

Int. Cl.: 42

Prior U.S. Cl.: 101

United States Patent and Trademark Office

Reg. No. 1,559,337

Registered Oct. 3, 1989

**SERVICE MARK
PRINCIPAL REGISTER**

PETSMART

PACIFIC COAST DISTRIBUTING, INC. (DELA-
WARE CORPORATION), DBA PETSMART
1813 WEST BELL ROAD
PHOENIX, AZ 85023

FIRST USE 5-23-1988; IN COMMERCE
5-23-1988.

SER. NO. 737,004, FILED 6-27-1988.

FOR: WHOLESALE DISTRIBUTORSHIP AND
RETAIL PET SUPPLY STORE SERVICES, IN
CLASS 42 (U.S. CL. 101).

SUSAN LEE, EXAMINING ATTORNEY

EXHIBIT 10

Renewed

Int. Cl.: 31

Prior U.S. Cls.: 1 and 46

Reg. No. 1,840,778

United States Patent and Trademark Office Registered June 21, 1994

**TRADEMARK
PRINCIPAL REGISTER**

SMARTY

SMART & FINAL STORES CORPORATION
(CALIFORNIA CORPORATION)
4700 SOUTH BOYLE AVENUE
LOS ANGELES, CA 90058

FIRST USE 0-0-1980; IN COMMERCE
0-0-1980.

SER. NO. 74-430,367, FILED 8-27-1993.

FOR: WET AND DRY DOG AND CAT FOOD,
DOG BISCUITS AND CAT LITTER, IN CLASS
31 (U.S. CLS. 1 AND 46).

PATRICIA MALESARDI, EXAMINING ATTOR-
NEY

EXHIBIT 11

Renewed

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36, and 38

Reg. No. 2,776,584

United States Patent and Trademark Office

Registered Oct. 21, 2003

**TRADEMARK
PRINCIPAL REGISTER**

PUPPYSMARTS

HAPPY PUPPY KINDERGARTEN, INC. (FLOR-
IDA CORPORATION)
12351 NW 6TH ST.
PLANTATION, FL 33325

VIORAL TRAINING , IN CLASS 9 (U.S. CLS. 21, 23,
26, 36 AND 38).

FIRST USE 4-0-2002; IN COMMERCE 4-0-2002.

FOR: PRERECORDED VIDEO CASSETTES, DIGI-
TAL VIDEO DISCS AND COMPACT DISCS ON THE
SUBJECT OF ANIMAL OBEDIENCE AND BEHA-

SN 76-383,262, FILED 3-18-2002.

MELVIN AXILBUND, EXAMINING ATTORNEY

EXHIBIT 12

8+15

Int. Cl.: 31

Prior U.S. Cls.: 1 and 46

Reg. No. 3,102,115

United States Patent and Trademark Office

Registered June 6, 2006

TRADEMARK
PRINCIPAL REGISTER

IAMS SMART PUPPY

IAMS COMPANY, THE (OHIO CORPORATION)
7250 POE AVENUE
DAYTON, OH 45414

OWNER OF U.S. REG. NOS. 1,317,225, 1,980,228,
AND OTHERS.

FOR: FOODSTUFFS FOR DOGS, IN CLASS 31
(U.S. CLS. 1 AND 46).

NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "PUPPY", APART FROM THE
MARK AS SHOWN.

FIRST USE 1-31-2005; IN COMMERCE 1-31-2005.

SN 78-520,996, FILED 11-22-2004.

THE MARK CONSISTS OF STANDARD CHAR-
ACTERS WITHOUT CLAIM TO ANY PARTICULAR
FONT, STYLE, SIZE, OR COLOR.

DAWN HAN, EXAMINING ATTORNEY

EXHIBIT 13

8+15

Int. Cl.: 41

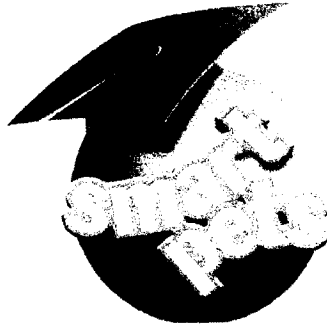
Prior U.S. Cls.: 100, 101 and 107

Reg. No. 3,156,061

United States Patent and Trademark Office

Registered Oct. 17, 2006

SERVICE MARK
PRINCIPAL REGISTER



PETSMART STORE SUPPORT GROUP, INC. (DE-
LAWARE CORPORATION)
LEGAL DEPARTMENT
19601 N. 27TH AVENUE
PHOENIX, AZ 85027

FOR: PET TRAINING SERVICES, IN CLASS 41
(U.S. CLS. 100, 101 AND 107).

FIRST USE 3-1-2001, THE MARK WAS FIRST
USED ANYWHERE IN A DIFFERENT FORM
OTHER THAN THAT SOUGHT TO BE
REGISTERED ON 03/01/2001.; IN COMMERCE
3-1-2001, THE MARK WAS FIRST USED IN
COMMERCE IN A DIFFERENT FORM OTHER
THAN THAT SOUGHT TO BE REGISTERED ON
03/01/2001..

NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "PETS", APART FROM THE MARK
AS SHOWN.

THE COLOR(S) BLACK AND YELLOW, RED,
BLUE AND WHITE IS/ARE CLAIMED AS A FEAT-
URE OF THE MARK.

THE COLOR(S) BLACK AND YELLOW APPEAR
IN THE GRADUATION CAP, THE COLOR RED
APPEARS ON THE BALL, AND THE COLORS BLUE
AND WHITE APPEAR ON THE WORDS "SMART
PETS".

THE MARK CONSISTS OF BALL WITH GRA-
DUATION CAP DESIGN.

SER. NO. 78-368,683, FILED 2-16-2004.

CHARLES L. JENKINS, EXAMINING ATTORNEY

EXHIBIT 14

8+15

Int. Cl.: 28

Prior U.S. Cls.: 22, 23, 38, and 50

Reg. No. 3,160,912

United States Patent and Trademark Office

Registered Oct. 17, 2006

TRADEMARK
PRINCIPAL REGISTER

SMARTYKAT

WORLDWISE, INC. (CALIFORNIA CORPORATION)
160 MITCHELL BOULEVARD
SAN RAFAEL, CA 949032044

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NO. 2,199,873.

FOR: PET TOYS, IN CLASS 28 (U.S. CLS. 22, 23, 38 AND 50).

SN 78-672,447, FILED 7-18-2005.

FIRST USE 12-1-2001; IN COMMERCE 12-1-2001.

TANYA AMOS, EXAMINING ATTORNEY

EXHIBIT 15

8+15

Int. Cls.: 35, 41, 43, 44 and 45

Prior U.S. Cls.: 100, 101, 102 and 107

United States Patent and Trademark Office

Reg. No. 3,196,335

Registered Jan. 9, 2007

SERVICE MARK
PRINCIPAL REGISTER



PETSMART STORE SUPPORT GROUP, INC. (DE-
LAWARE CORPORATION)
LEGAL DEPARTMENT
19601 N. 27TH AVENUE
PHOENIX, AZ 85027

FOR: RETAIL STORE SERVICES, ON-LINE RE-
TAIL STORE SERVICES, AND MAIL ORDER CAT-
ALOG SERVICES FEATURING PET FOOD, PET
SUPPLIES AND PET ACCESSORIES; PROVIDING
INFORMATION ABOUT RETAIL STORES AND
ONLINE RETAIL STORE SERVICES FEATURING
PET FOOD, PET SUPPLIES AND PET ACCESSOR-
IES; CHARITABLE SERVICES, NAMELY, ORGA-
NIZING AND CONDUCTING VOLUNTEER
PROGRAMS AND COMMUNITY SERVICE PRO-
JECTS RELATED TO PETS AND ANIMALS, IN
CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 8-23-2005; IN COMMERCE 8-23-2005.

FOR: EDUCATIONAL SERVICES, NAMELY,
PROVIDING TRAINING RELATED TO PET FOOD,
PET SUPPLIES, PET ACCESSORIES, PET CARE, PET
GROOMING, PET BOARDING, PET ADOPTION,
AND PET OBEDIENCE; PET OBEDIENCE TRAIN-
ING SERVICES; PROVIDING INFORMATION
ABOUT PET OBEDIENCE TRAINING SERVICES,
IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 8-23-2005; IN COMMERCE 8-23-2005.

FOR: PET BOARDING, KENNEL SERVICES, AND
PET DAY CARE SERVICES; PROVIDING INFOR-
MATION ABOUT PET BOARDING AND PET DAY
CARE, IN CLASS 43 (U.S. CLS. 100 AND 101).

FIRST USE 8-23-2005; IN COMMERCE 8-23-2005.

FOR: PET GROOMING SERVICES; ANIMAL EX-
ERCISING SERVICES; PROVIDING INFORMA-
TION ABOUT PET CARE AND PET GROOMING
SERVICES, IN CLASS 44 (U.S. CLS. 100 AND 101).

FIRST USE 8-23-2005; IN COMMERCE 8-23-2005.

FOR: PET ADOPTION SERVICES, NAMELY, AR-
RANGING FOR DOGS AND CATS FROM SHEL-
TERS TO BE PLACED IN HOMES; PROVIDING
INFORMATION ABOUT PET ADOPTION; PROVID-
ING FACILITIES FOR THE ADOPTION OF PET
ANIMALS, IN CLASS 45 (U.S. CLS. 100 AND 101).

FIRST USE 8-23-2005; IN COMMERCE 8-23-2005.

OWNER OF U.S. REG. NOS. 1,559,337, 2,003,185
AND OTHERS.

THE MARK CONSISTS OF PETSMART WITH
BALL AND BOUNCE DESIGN.

SER. NO. 78-779,558, FILED 12-22-2005.

GILBERT SWIFT, EXAMINING ATTORNEY

EXHIBIT 16

8+15

Int. Cl.: 31

Prior U.S. Cls.: 1 and 46

Reg. No. 3,220,834

United States Patent and Trademark Office

Registered Mar. 20, 2007

TRADEMARK
PRINCIPAL REGISTER

NATURE SMART

CARGILL, INCORPORATED (DELAWARE COR-
PORATION)
15407 MCGINTY ROAD WEST
WAYZATA, MN 55391

THE MARK CONSISTS OF STANDARD CHAR-
ACTERS WITHOUT CLAIM TO ANY PARTICULAR
FONT, STYLE, SIZE, OR COLOR.

FOR: ANIMAL FEED, IN CLASS 31 (U.S. CLS. 1
AND 46).

SN 78-756,789, FILED 11-18-2005.

FIRST USE 5-16-2006; IN COMMERCE 5-16-2006.

KHANH LE, EXAMINING ATTORNEY

EXHIBIT 17

8+15

Int. Cl.: 31

Prior U.S. Cls.: 1 and 46

United States Patent and Trademark Office

Reg. No. 3,247,549

Registered May 29, 2007

**TRADEMARK
PRINCIPAL REGISTER**

EXTRA SMART!

SUNSHINE MILLS, INC. (DELAWARE CORPORATION)
500 6TH ST. S.W.
RED BAY, AL 35582

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

FOR: FOODSTUFFS FOR ANIMALS, IN CLASS 31
(U.S. CLS. 1 AND 46).

SER. NO. 78-943,084, FILED 8-2-2006.

FIRST USE 7-1-2006; IN COMMERCE 7-1-2006.

MAUREEN DALL, EXAMINING ATTORNEY

EXHIBIT 18

8+15

Int. Cl.: 31

Prior U.S. Cls.: 1 and 46

United States Patent and Trademark Office

Reg. No. 3,330,768

Registered Nov. 6, 2007

TRADEMARK
PRINCIPAL REGISTER

SMART BITES

DOANE PET CARE COMPANY (DELAWARE
CORPORATION)

SUITE 300

210 WESTWOOD PLACE SOUTH

BRENTWOOD, TN 37027

FOR: PET FOODS, INCLUDING PET TREATS, IN
CLASS 31 (U.S. CLS. 1 AND 46).

FIRST USE 7-0-2006; IN COMMERCE 7-0-2006.

THE MARK CONSISTS OF STANDARD CHAR-
ACTERS WITHOUT CLAIM TO ANY PARTICULAR
FONT, STYLE, SIZE, OR COLOR.

NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "BITES". APART FROM THE MARK
AS SHOWN.

SN 78-524,653, FILED 11-30-2004.

JUDITH HELFMAN, EXAMINING ATTORNEY

EXHIBIT 19

8+15

Int. Cl.: 31

Prior U.S. Cls.: 1 and 46

Reg. No. 3,277,779

United States Patent and Trademark Office

Registered Aug. 7, 2007

**TRADEMARK
PRINCIPAL REGISTER**

SMART REWARDS

MIDWESTERN PET FOODS, INC. (INDIANA
CORPORATION)
9634 HEDDEN ROAD
EVANSVILLE, IN 47711

THE MARK CONSISTS OF STANDARD CHAR-
ACTERS WITHOUT CLAIM TO ANY PARTICULAR
FONT, STYLE, SIZE, OR COLOR.

FOR: EDIBLE PET TREATS, IN CLASS 31 (U.S.
CLS. 1 AND 46).

SN 78-797,419, FILED 1-23-2006.

FIRST USE 7-27-2006; IN COMMERCE 7-27-2006.

GRETTA YAO, EXAMINING ATTORNEY

EXHIBIT 20

8+15

Int. Cl.: 21

Prior U.S. Cls.: 2, 13, 23, 29, 30, 33, 40, and 50

United States Patent and Trademark Office

Reg. No. 3,327,319

Registered Oct. 30, 2007

TRADEMARK
PRINCIPAL REGISTER

SMART STORAGE

BERGAN, LLC (OKLAHOMA CORPORATION)
2402 INDUSTRIAL PARKWAY
MIAMI, OK 74354

FOR: PET FOOD CONTAINERS, IN CLASS 21
(U.S. CLS. 2, 13, 23, 29, 30, 33, 40 AND 50).

FIRST USE 9-0-2006; IN COMMERCE 9-0-2006.

THE MARK CONSISTS OF STANDARD CHAR-
ACTERS WITHOUT CLAIM TO ANY PARTICULAR
FONT, STYLE, SIZE, OR COLOR.

NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "STORAGE". APART FROM THE
MARK AS SHOWN.

SN 78-814,119, FILED 2-14-2006.

JASON TURNER, EXAMINING ATTORNEY

EXHIBIT 21

8+15

Int. Cls.: 31, 41, and 44

Prior U.S. Cls.: 1, 46, 100, 101, and 107

United States Patent and Trademark Office

Reg. No. 3,357,904

Registered Dec. 18, 2007

TRADEMARK
SERVICE MARK
PRINCIPAL REGISTER

BREEDSMART

THE IAMS COMPANY (OHIO CORPORATION)
ONE PROCTER & GAMBLE PLAZA
CINCINNATI, OH 45202

FOR: FOODSTUFFS FOR ANIMALS. IN CLASS 31
(U.S. CLS. 1 AND 46).

FIRST USE 2-28-2007; IN COMMERCE 2-28-2007.

FOR: PROVIDING A WEBSITE VIA A GLOBAL
COMPUTER NETWORK FEATURING INFORMATION
IN THE FIELD OF DOG TRAINING TIPS. IN
CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 11-30-2006; IN COMMERCE 11-30-2006.

FOR: PROVIDING A WEBSITE VIA A GLOBAL
COMPUTER NETWORK FEATURING INFORMATION
IN THE FIELD OF DOG CARE NAMELY,
NUTRITIONAL ADVICE AND BREEDING. IN
CLASS 44 (U.S. CLS. 100 AND 101).

FIRST USE 11-30-2006; IN COMMERCE 11-30-2006.

THE MARK CONSISTS OF STANDARD CHAR-
ACTERS WITHOUT CLAIM TO ANY PARTICULAR
FONT, STYLE, SIZE, OR COLOR.

SN 78-905,669. FILED 6-12-2006.

WILLIAM ROSSMAN, EXAMINING ATTORNEY

EXHIBIT 22

Int. Cl.: 28

Prior U.S. Cls.: 22, 23, 38, and 50

United States Patent and Trademark Office

Reg. No. 3,357,102

Registered Dec. 18, 2007

TRADEMARK
PRINCIPAL REGISTER

How smart is your
dog?

ST. PIERRE, TRACY M. (UNITED STATES IN-
DIVIDUAL)
50 MAPLE STREET
PORTLAND, ME 04101

FOR: PET TOYS, IN CLASS 28 (U.S. CLS. 22, 23, 38
AND 50).

FIRST USE 4-1-2007; IN COMMERCE 4-1-2007.

THE MARK CONSISTS OF STANDARD CHAR-
ACTERS WITHOUT CLAIM TO ANY PARTICULAR
FONT, STYLE, SIZE, OR COLOR.

SN 78-498,446, FILED 10-12-2004.

NORA BUCHANAN WILL, EXAMINING ATTOR-
NEY

EXHIBIT 23

Int. Cls.: 35, 41, 43, 44, and 45

Prior U.S. Cls.: 100, 101, 102, and 107

Reg. No. 3,341,307

United States Patent and Trademark Office

Registered Nov. 20, 2007

SERVICE MARK
PRINCIPAL REGISTER

THAT'S SMART

PETSMART STORE SUPPORT GROUP, INC. (DE-
LAWARE CORPORATION)
LEGAL DEPARTMENT
19601 N. 27TH AVENUE
PHOENIX, AZ 85027

FOR: RETAIL STORE SERVICES, ON-LINE RE-
TAIL STORE SERVICES, AND MAIL ORDER CAT-
ALOG SERVICES FEATURING PET FOOD, PET
SUPPLIES AND PET ACCESSORIES; PROVIDING
INFORMATION ABOUT RETAIL STORES AND
ONLINE RETAIL STORE SERVICES FEATURING
PET FOOD, PET SUPPLIES AND PET ACCESSOR-
IES; CHARITABLE SERVICES, NAMELY, ORGA-
NIZING AND CONDUCTING VOLUNTEER
PROGRAMS AND COMMUNITY SERVICE PRO-
JECTS RELATED TO PETS AND ANIMALS. IN
CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 9-1-2005; IN COMMERCE 9-1-2005.

FOR: EDUCATIONAL SERVICES, NAMELY,
PROVIDING TRAINING RELATED TO PET FOOD,
PET SUPPLIES, PET ACCESSORIES, PET CARE, PET
GROOMING, PET BOARDING, PET ADOPTION,
AND PET OBEDIENCE; PET OBEDIENCE TRAIN-
ING SERVICES; PROVIDING INFORMATION
ABOUT PET OBEDIENCE TRAINING SERVICES,
IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 9-1-2005; IN COMMERCE 9-1-2005.

FOR: PET BOARDING, KENNEL SERVICES, AND
PET DAY CARE SERVICES; PROVIDING INFOR-
MATION ABOUT PET BOARDING AND PET DAY
CARE, IN CLASS 43 (U.S. CLS. 100 AND 101).

FIRST USE 9-1-2005; IN COMMERCE 9-1-2005.

FOR: PET GROOMING SERVICES; ANIMAL EX-
ERCISING SERVICES; PROVIDING INFORMA-
TION ABOUT PET CARE AND PET GROOMING
SERVICES, IN CLASS 44 (U.S. CLS. 100 AND 101).

FIRST USE 9-1-2005; IN COMMERCE 9-1-2005.

FOR: PET ADOPTION SERVICES, NAMELY, AR-
RANGING FOR DOGS AND CATS FROM SHEL-
TERS TO BE PLACED IN HOMES; PROVIDING
INFORMATION ABOUT PET ADOPTION; PROVID-
ING FACILITIES FOR THE ADOPTION OF PET
ANIMALS, IN CLASS 45 (U.S. CLS. 100 AND 101).

FIRST USE 9-1-2005; IN COMMERCE 9-1-2005.

THE MARK CONSISTS OF STANDARD CHAR-
ACTERS WITHOUT CLAIM TO ANY PARTICULAR
FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 1,559,337, 2,003,185,
AND OTHERS.

NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "SMART", APART FROM THE
MARK AS SHOWN.

SN 78-696,813, FILED 8-19-2005.

AMOS T. MATTHEWS, JR., EXAMINING ATTOR-
NEY

EXHIBIT 24

Int. Cl.: 43

Prior U.S. Cls.: 100 and 101

United States Patent and Trademark Office

Reg. No. 3,326,238

Registered Oct. 30, 2007

**SERVICE MARK
PRINCIPAL REGISTER**

HAPPY, CLEAN AND SMART

ONIEAL, KATHERINE (UNITED STATES INDIVIDUAL)
5700 WEST KILGORE AVENUE
MUNCIE, IN 47304

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

FOR: BOARDING FOR ANIMALS AND PET DAY CARE SERVICES, IN CLASS 43 (U.S. CLS. 100 AND 101).

SN 78-639,114, FILED 5-27-2005

FIRST USE 8-31-2004; IN COMMERCE 8-31-2004.

AMY GEARIN, EXAMINING ATTORNEY

EXHIBIT 25

Int. Cls.: 9, 12, 18, 20, 35, 41, 43, and 44

**Prior U.S. Cls.: 1, 2, 3, 13, 19, 21, 22, 23, 25, 26, 31, 32,
35, 36, 38, 41, 44, 50, 100, 101, 102, and 107**

Reg. No. 3,399,613

United States Patent and Trademark Office **Registered Mar. 18, 2008**

**TRADEMARK
SERVICE MARK
PRINCIPAL REGISTER**

DOG GONE SMART

ONTHANK, CHRISTOPHER (UNITED STATES
INDIVIDUAL)
15 OLD BOSTON ROAD
WILTON, CT 06897

FOR: PRE-RECORDED DVDS AND VIDEO CAS-
SETTES FEATURING DOG TRAINING INSTRU-
CTION, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 8-1-2005; IN COMMERCE 8-1-2005.

FOR: SEAT COVERS FOR VEHICLES, IN CLASS
12 (U.S. CLS. 19, 21, 23, 31, 35 AND 44).

FIRST USE 12-20-2007; IN COMMERCE 12-20-2007.

FOR: PET LEASHES, PET COLLARS, DOG JACK-
ETS, AND FABRIC CRATE PADS FOR USE IN PET
TRAINING, IN CLASS 18 (U.S. CLS. 1, 2, 3, 22 AND
41).

FIRST USE 10-30-2007; IN COMMERCE 10-30-2007.

FOR: DOG BEDS; CRATE PADS FOR CUSHION-
ING AS PET BEDDING, IN CLASS 20 (U.S. CLS. 2, 13,
22, 25, 32 AND 50).

FIRST USE 12-15-2006; IN COMMERCE 12-15-2006.

FOR: RETAIL STORE SERVICES FEATURING
PET SUPPLIES, IN CLASS 35 (U.S. CLS. 100, 101 AND
102).

FIRST USE 8-28-1998; IN COMMERCE 8-28-1998.

FOR: DOG TRAINING SERVICES; DOG SWIM-
MING INSTRUCTION; ORGANIZING AND CON-
DUCTING DOG SHOWS AND EXHIBITIONS, IN
CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 2-28-1995; IN COMMERCE 2-28-1995.

FOR: PROVIDING CANINE CENTER SERVICES,
NAMESLY, DAYCARE AND BOARDING SERVICES,
IN CLASS 43 (U.S. CLS. 100 AND 101).

FIRST USE 8-28-1998; IN COMMERCE 8-28-1998.

FOR: PROVIDING CANINE CENTER SERVICES,
NAMESLY, CANINE REHABILITATION, DOG
WASHING AND DOG WALKING SERVICES, IN
CLASS 44 (U.S. CLS. 100 AND 101).

FIRST USE 8-20-2002; IN COMMERCE 8-20-2002.

THE MARK CONSISTS OF STANDARD CHAR-
ACTERS WITHOUT CLAIM TO ANY PARTICULAR
FONT, STYLE, SIZE, OR COLOR.

SN 78-708,085, FILED 9-7-2005.

JUDITH HELFMAN, EXAMINING ATTORNEY

EXHIBIT 26

Int. Cl.: 28

Prior U.S. Cls.: 22, 23, 38, and 50

Reg. No. 3,420,018

United States Patent and Trademark Office

Registered Apr. 29, 2008

TRADEMARK
PRINCIPAL REGISTER

SMART PAW

PETSTAGES, INC. (ILLINOIS CORPORATION)
333 SKOKIE BOULEVARD, SUITE 104
NORTHBROOK, IL 60062

FOR: PLASTIC TEETHING, CHEWING AND
CLAWING TOYS FOR DOGS, CATS AND BIRDS.
IN CLASS 28 (U.S. CLS. 22, 23, 38 AND 50).

FIRST USE 1-0-2006; IN COMMERCE 1-0-2006.

THE MARK CONSISTS OF STANDARD CHAR-
ACTERS WITHOUT CLAIM TO ANY PARTICULAR
FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 2,930,186, 2,930,187,
AND 2,935,752.

SN 78-666,481, FILED 7-8-2005.

ELLEN PERKINS, EXAMINING ATTORNEY

EXHIBIT 27

Int. Cl.: 21

Prior U.S. Cls.: 2, 13, 23, 29, 30, 33, 40 and 50

Reg. No. 3,453,791

United States Patent and Trademark Office

Registered June 24, 2008

TRADEMARK
PRINCIPAL REGISTER

SMART BOWL

PREMIER PET PRODUCTS, LLC (VIRGINIA LTD
LIAB CO)
14201 SOMMERVILLE COURT
MIDLOTHIAN, VA 23113

OWNER OF U.S. REG. NO. 2,385,443.

FOR: PET FEEDING DISHES, IN CLASS 21 (U.S.
CLS. 2, 13, 23, 29, 30, 33, 40 AND 50).

NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "BOWL", APART FROM THE
MARK AS SHOWN.

FIRST USE 4-19-1999; IN COMMERCE 4-19-1999.

SER. NO. 78-868,075, FILED 4-24-2006.

THE MARK CONSISTS OF STANDARD CHAR-
ACTERS WITHOUT CLAIM TO ANY PARTICULAR
FONT, STYLE, SIZE, OR COLOR.

KATHERINE CONNOLLY, EXAMINING ATTOR-
NEY

EXHIBIT 28

Int. Cl.: 16

Prior U.S. Cls.: 2, 5, 22, 23, 29, 37, 38 and 50

Reg. No. 3,467,978

United States Patent and Trademark Office

Registered July 15, 2008

TRADEMARK
PRINCIPAL REGISTER

DOG GONE SMART

ONTHANK, CHRISTOPHER (UNITED STATES
INDIVIDUAL)
15 OLD BOSTON ROAD
WILTON, CT 06897

THE MARK CONSISTS OF STANDARD CHAR-
ACTERS WITHOUT CLAIM TO ANY PARTICULAR
FONT, STYLE, SIZE, OR COLOR.

FOR: PAMPHLETS AND HANDOUTS ON THE
SUBJECT OF DOG TRAINING, IN CLASS 16 (U.S.
CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

SER. NO. 78-978,009, FILED 9-7-2005.

FIRST USE 8-28-1998; IN COMMERCE 8-28-1998.

JUDITH HELFMAN, EXAMINING ATTORNEY

EXHIBIT 29

Int. Cl.: 35

Prior U.S. Cls.: 100, 101, and 102

United States Patent and Trademark Office

Reg. No. 3,589,265

Registered Mar. 10, 2009

SERVICE MARK
SUPPLEMENTAL REGISTER

SMART FENCES

S & E MARKETING, LLC (MASSACHUSETTS
CORPORATION)
P.O. BOX 2973
WORCESTER, MA 01613

FOR: ONLINE RETAIL STORE SERVICES FEATURING PET TRAINING PRODUCTS SPECIFICALLY WIRELESS PET TRAINING AND CONTAINMENT SYSTEMS, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 3-1-2006; IN COMMERCE 3-1-2006.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "FENCES", APART FROM THE MARK AS SHOWN.

SER. NO. 77-068,062, FILED P.R. 12-20-2006; AM. S.R. 1-14-2009.

MARY ROSSMAN, EXAMINING ATTORNEY

EXHIBIT 30

Int. Cls.: 3, 8, 16, 29, 30, 31, and 32

Prior U.S. Cls.: 1, 2, 4, 5, 6, 22, 23, 28, 29, 37, 38, 44,
45, 46, 48, 50, 51, and 52

United States Patent and Trademark Office

Reg. No. 3,640,248

Registered June 16, 2009

**TRADEMARK
PRINCIPAL REGISTER**

SMART OPTION

FL. FOOD LION, INC. (FLORIDA CORPORATION)
2110 EXECUTIVE DRIVE
SALISBURY, NC 28145

FOR: DISH DETERGENTS AND CLEANING PREPARATIONS FOR HOUSEHOLD USE; BABY WIPES, IN CLASS 3 (U.S. CLS. 1, 4, 6, 50, 51 AND 52).

FIRST USE 12-5-2007; IN COMMERCE 12-5-2007.

FOR: PLASTIC UTENSILS, NAMELY, FORKS, SPOONS AND MIXED CUTLERY, IN CLASS 8 (U.S. CLS. 23, 28 AND 44).

FIRST USE 11-28-2007; IN COMMERCE 11-28-2007.

FOR: HOUSEHOLD PAPER PRODUCTS, NAMELY, BATHROOM TISSUE AND PAPER TOWELS, IN CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

FIRST USE 1-14-2008; IN COMMERCE 1-14-2008.

FOR: MEAT, FISH, POULTRY, SAUSAGES, LUNCHEON MEAT; STEWS, SOUPS, BROTH; CHEESES; NUTS; MARGARINE, IN CLASS 29 (U.S. CL. 46).

FIRST USE 9-26-2007; IN COMMERCE 9-26-2007.

FOR: SNACK FOODS, NAMELY, COOKIES; SEASONINGS AND SPICES; BEVERAGES, NAMELY, TEA, IN CLASS 30 (U.S. CL. 46).

FIRST USE 4-5-2008; IN COMMERCE 4-5-2008.

FOR: PET FOOD, IN CLASS 31 (U.S. CLS. 1 AND 46).

FIRST USE 9-6-2007; IN COMMERCE 9-6-2007.

FOR: BEVERAGES, NAMELY, ORANGE JUICE, IN CLASS 32 (U.S. CLS. 45, 46 AND 48).

FIRST USE 10-15-2007; IN COMMERCE 10-15-2007.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SN 77-167,839, FILED 4-27-2007.

CHRIS WELLS, EXAMINING ATTORNEY

EXHIBIT 31

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36 and 38

United States Patent and Trademark Office

Reg. No. 3,678,351

Registered Sep. 8, 2009

TRADEMARK
PRINCIPAL REGISTER



GUARD-A-KID FRANCHISING CORP. (FLORI-
DA CORPORATION), DBA GUARD-A-KID
3785 NW 82 AVENUE, SUITE 106
MIAMI, FL 33166

FOR: ELECTRONIC DATABASE RECORDED ON
USB FLASH DRIVE AND ON COMPUTER MEDIA
CONTAINING IDENTIFICATION AND MEDICAL
INFORMATION OF CHILDREN, PEOPLE, PETS,
HOME INVENTORY, USER NAMES, AND PASS-
WORDS FOR USE IN AIDING THE RECOVERY OF
MISSING CHILDREN, PEOPLE, AND PETS AND IN
AIDING INSURANCE CLAIMS FOR LOSS OF
PROPERTY AFTER A DISASTER. IN CLASS 9 (U.S.
CLS. 21, 23, 26, 36 AND 38).

FIRST USE 11-12-2007; IN COMMERCE 11-12-2007.

NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "SMART" AND "I.D.", APART
FROM THE MARK AS SHOWN.

THE MARK CONSISTS OF DESIGN PLUS
WORDS. THE WORD "SMART" AND THE WORD
"I.D."

SER. NO. 77-383,044, FILED 1-29-2008.

KEVON CHISOLM, EXAMINING ATTORNEY

EXHIBIT 32

United States of America

United States Patent and Trademark Office

Simply Smart

Reg. No. 3,758,436 NATURAL POLYMER INTERNATIONAL CORP. (DELAWARE CORPORATION)
Registered Mar. 9, 2010 1909 10TH STREET SUITE 100
PLANO, TX 75074

Int. Cl.: 31 FOR: CAT TREATS; DIGESTIBLE CHEWING BONES FOR DOGS; DOG BISCUITS; DOG
FOOD; DOG TREATS; DRINKING WATER FOR DOGS; PET TREATS, IN CLASS 31 (U.S.
CLS. 1 AND 46).

TRADEMARK
PRINCIPAL REGISTER FIRST USE 2-14-2009; IN COMMERCE 2-14-2009

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SN 77-498,663, FILED 6-13-2008.

GISELLE AGOSTO, EXAMINING ATTORNEY



David J. Kybas

Director of the United States Patent and Trademark Office

EXHIBIT 33

United States of America
United States Patent and Trademark Office
SMARTDIPS

Reg. No. 3,782,318

Registered Apr. 27, 2010

Int. Cl.: 18

TRADEMARK

PRINCIPAL REGISTER

SERGEANT'S PET CARE PRODUCTS, INC. (NEVADA CORPORATION)
2625 S 158TH PLAZA
OMAHA, NE 681301770

FOR: RAWHIDE PET TREATS, IN CLASS 18 (U.S. CLS. 1, 2, 3, 22 AND 41).

FIRST USE: 6-0-2009; IN COMMERCE: 6-0-2009

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SN 77-650,168, FILED 1-15-2009.

NATALIE POLZER, EXAMINING ATTORNEY



David J. Kypas

Director of the United States Patent and Trademark Office

EXHIBIT 34

United States of America

United States Patent and Trademark Office

SMART PUP

Reg. No. 3,797,509

Registered June 1, 2010

Int. Cl.: 5

TRADEMARK

PRINCIPAL REGISTER

SCHL OTTERBECK & FOSS COMPANY (MAINE CORPORATION)
117 PREBLE STREET
PORTLAND, ME 04101

FOR: DIETARY SUPPLEMENTS FOR ANIMALS, DIETARY SUPPLEMENTS FOR PETS, IN
CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).

FIRST USE 12-16-2009, IN COMMERCE 1-5-2010

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "PUP", APART FROM THE MARK AS SHOWN.

SN 77-824,547, FILED 9-11-2009.

SHANNON TWOHIG, EXAMINING ATTORNEY



David J. Kappas

Director of the United States Patent and Trademark Office

EXHIBIT 35

United States of America

United States Patent and Trademark Office

PETSMART, WE LOVE TO SEE
HEALTHY, HAPPY PETS

Reg. No. 3,848,738

Registered Sep. 14, 2010

Int. Cl.: 35

SERVICE MARK

PRINCIPAL REGISTER

PETSMART STORE SUPPORT GROUP, INC. (DELAWARE CORPORATION)
19601 N. 27TH AVENUE
PHOENIX, AZ 85027

FOR: RETAIL, STORE SERVICES AND ON-LINE RETAIL, STORE SERVICES, FEATURING
PET FOOD, PET SUPPLIES AND PET ACCESSORIES, IN CLASS 35 (U.S. CLS. 100, 101 AND
102).

FIRST USE 7-28-2009; IN COMMERCE 7-28-2009.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PAR-
TICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 3,196,334, 3,196,335, AND OTHERS.

SN 77-777,641, FILED 7-9-2009.

WARREN L. OLANDRIA, EXAMINING ATTORNEY



David J. Kappas

Director of the United States Patent and Trademark Office

EXHIBIT 36

United States of America

United States Patent and Trademark Office

SMART STUFF FOR PETS

Reg. No. 3,865,254

Registered Oct. 19, 2010

Int. Cl.: 31

TRADEMARK

PRINCIPAL REGISTER

PET FOOD EXPRESS, LTD. (CALIFORNIA CORPORATION)
2131 WILLIAMS STREET
SAN LEANDRO, CA 94577

FOR: PET FOOD AND SNACKS, PET LITTER, IN CLASS 31 (U.S. CLS. 1 AND 46).

FIRST USE 11-0-2009; IN COMMERCE 12-0-2009.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "PETS", APART FROM THE MARK AS SHOWN.

SN 77-692,057, FILED 3-16-2009.

MORGAN WYNNIE, EXAMINING ATTORNEY



David J. Kappas

Director of the United States Patent and Trademark Office

EXHIBIT 37

United States of America
United States Patent and Trademark Office
SMART TAG

Reg. No. 3,929,653

Registered Mar. 8, 2011

Int. Cl.: 6

TRADEMARK

PRINCIPAL REGISTER

LITTLE GIFTS, INC. (NEW YORK CORPORATION)
600 MEADOWLANDS PARKWAY, SUITE 131
SECAUCUS, NJ 07094

FOR: PET ACCESSORIES, NAMELY, METAL PET IDENTIFICATION TAGS, IN CLASS 6
(U.S. CLS. 2, 12, 13, 14, 23, 25 AND 50).

FIRST USE 4-25-2010. IN COMMERCE 4-25-2010.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "TAG", APART FROM THE MARK AS SHOWN.

SN 77-868,431, FILED 11-9-2009.

LEIGH CAROLINE CASE, EXAMINING ATTORNEY



David J. Kybas

Director of the United States Patent and Trademark Office

EXHIBIT 38

United States of America

United States Patent and Trademark Office

SMART STUFF FOR PETS

Reg. No. 3,951,388

Registered Apr. 26, 2011

Int. Cl.: 3

TRADEMARK

PRINCIPAL REGISTER

PET FOOD EXPRESS, LTD. (CALIFORNIA CORPORATION)
2131 WILLIAMS STREET
SAN LEANDRO, CA 94577

FOR: PET STAIN AND ODOR REMOVERS, IN CLASS 3 (U.S. CLS. 1, 4, 6, 50, 51 AND 52).

FIRST USE 4-14-2009; IN COMMERCE 4-14-2009.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "PETS", APART FROM THE MARK AS SHOWN.

SN 77-692,031, FILED 3-16-2009.

MORGAN WYNNE, EXAMINING ATTORNEY



David J. Kyjars

Director of the United States Patent and Trademark Office

EXHIBIT 39

United States of America

United States Patent and Trademark Office

SMART BRAND PRODUCTS

Reg. No. 3,940,612

Registered Apr. 5, 2011

Int. Cl.: 5

TRADEMARK

PRINCIPAL REGISTER

OTC, INC. (SOUTH CAROLINA CORPORATION)
2969 WAGENER ROAD
AIKEN, SC 29801

FOR: DIETARY AND NUTRITIONAL SUPPLEMENTS FOR ANIMALS, IN CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).

FIRST USE 6-1-2010; IN COMMERCE 6-1-2010.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE: "BRAND PRODUCTS", APART FROM THE MARK AS SHOWN.

SER. NO. 85-099,683, FILED 8-4-2010.

KATHERINE CONNOLLY, EXAMINING ATTORNEY



David J. Kappas

Director of the United States Patent and Trademark Office

EXHIBIT 40

United States of America
United States Patent and Trademark Office

SMART LITTER

Reg. No. 4,018,819

Registered Aug. 30, 2011

Int. Cl.: 31

TRADEMARK

PRINCIPAL REGISTER

PET FOOD EXPRESS LTD. (CALIFORNIA CORPORATION)
2131 WILLIAMS STREET
SAN LEANDRO, CA 94577

FOR: CAT LITTER, IN CLASS 31 (U.S. CLS. 1 AND 46).

FIRST USE 0-0-1992; IN COMMERCE 7-1-2000.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "LITTER", APART FROM THE MARK AS SHOWN.

SER. NO. 85-221,276, FILED 1-19-2011.

SHAUNIA CARLYLE, EXAMINING ATTORNEY



David J. Kybas

Director of the United States Patent and Trademark Office

EXHIBIT 41

United States of America

United States Patent and Trademark Office

SMART STUFF FOR PETS

Reg. No. 4,022,294

Registered Sep. 6, 2011

Int. Cl.: 16

TRADEMARK

PRINCIPAL REGISTER

PET FOOD EXPRESS LTD. (CALIFORNIA CORPORATION)
2131 WILLIAMS STREET
SAN LEANDRO, CA 94577

FOR: DISPOSABLE HOUSEBREAKING PADS FOR PETS, PLASTIC BAGS FOR PET WASTE,
IN CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

FIRST USE 8-0-2008; IN COMMERCE 8-0-2008.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE OR COLOR.

OWNER OF U.S. REG. NO. 3,865,254

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "PETS", APART FROM THE MARK AS SHOWN.

SER. NO. 85-228,873. FILED 1-28-2011.

SHAWNIA CARLYLE, EXAMINING ATTORNEY



David J. Kappas

Director of the United States Patent and Trademark Office

EXHIBIT 42

United States of America
United States Patent and Trademark Office

SmartLeash

Reg. No. 4,067,243

Registered Dec. 6, 2011

Int. Cl.: 18

TRADEMARK

PRINCIPAL REGISTER

IPP LLC (DELAWARE LIMITED LIABILITY COMPANY)
2004 WEST DEMPSTER
EVANSTON, IL 60202

FOR: DOG LEASHES, IN CLASS 18 (U.S. CLS. 1, 2, 3, 22 AND 41)

FIRST USE 4-8-2011; IN COMMERCE 4-8-2011.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 85-315,873, FILED 5-5-2011.

CHRISTINA SOBRAL, EXAMINING ATTORNEY



David J. Kappas

Director of the United States Patent and Trademark Office

EXHIBIT 43

United States of America

United States Patent and Trademark Office

SmartDark & Handsome

Reg. No. 4,090,731

Registered Jan. 24, 2012

Int. Cl.: 5

TRADEMARK

PRINCIPAL REGISTER

SMARTPAK EQUINE, LLC (DELAWARE LIMITED LIABILITY COMPANY)
SUITE 500
40 GRISSOM RD
PLYMOUTH, MA 02360

FOR: ANIMAL FEED SUPPLEMENTS, IN CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).

FIRST USE 1-1-2011, IN COMMERCE 2-1-2011.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SFR. NO. 85-349,046, FILED 6-17-2011

MEGHAN REINHART, EXAMINING ATTORNEY



David J. Kypas

Director of the United States Patent and Trademark Office

EXHIBIT 44

United States of America
United States Patent and Trademark Office

HEARTSMART

Reg. No. 4,105,890

Registered Feb. 28, 2012

Int. Cl.: 31

TRADEMARK

PRINCIPAL REGISTER

SPITFIRE GLOBAL, INC. (FLORIDA CORPORATION)
8000 SAILBOAT KEY BLVD.
#406
ST. PETE BEACH, FL 33707

FOR: DOG BISCUITS; DOG TREATS, IN CLASS 31 (U.S. CLS. 1 AND 46).

FIRST USE 12-11-2008; IN COMMERCE 12-9-2011.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SN 77-634,335, FILED 12-16-2008.

MARGERY A. TIERNEY, EXAMINING ATTORNEY



David J. Kybas

Director of the United States Patent and Trademark Office

EXHIBIT 45

United States of America
United States Patent and Trademark Office

groomsmart

Reg. No. 4,120,323

Registered Apr. 3, 2012

Int. Cl.: 44

SERVICE MARK

PRINCIPAL REGISTER

GROOMSMART, INC. (ILLINOIS CORPORATION), DBA GROOMSMART
414 PIN OAK DRIVE
POPLAR GROVE, IL 61065

FOR: PET GROOMING SERVICES, IN CLASS 44 (U.S. CLS. 100 AND 101).

FIRST USE 6-7-2010; IN COMMERCE 7-2-2010.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 85-097,492, FILED 7-31-2010.

JOHN E. MICHOS, EXAMINING ATTORNEY



David J. Kybas

Director of the United States Patent and Trademark Office

EXHIBIT 46

United States of America
United States Patent and Trademark Office

SCOOP SMART

Reg. No. 4,143,749

Registered May 15, 2012

Int. Cl.: 16

TRADEMARK

PRINCIPAL REGISTER

CHONGTOLA SMART PRODUCTS LLC (COLORADO LIMITED LIABILITY COMPANY)
5314 TALAVERO PLACE
PARKER, CO 80134

FOR: DISPOSABLE PAPER BOXES FOR COLLECTING PET WASTE OR CARRYING FOOD,
IN CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

FIRST USE 6-14-2011. IN COMMERCE 6-14-2011.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SN 85-224,252. FILED 1-24-2011.

ANN E. SAPPENFIELD, EXAMINING ATTORNEY



David J. Kappas

Director of the United States Patent and Trademark Office

EXHIBIT 47

United States of America
United States Patent and Trademark Office

SmartMare

Reg. No. 4,171,475

Registered July 10, 2012

Int. Cl.: 5

TRADEMARK

PRINCIPAL REGISTER

SMARTPAK EQUINE (DELAWARE LIMITED LIABILITY COMPANY)
SUITE 500
40 GRISSOM RD
PLYMOUTH, MA 02360

FOR: ANIMAL FEED SUPPLEMENTS, IN CLASS 5 (U.S. C.I.S. 6, 18, 44, 46, 51 AND 52).

FIRST USE 10-31-2011; IN COMMERCE 10-31-2011

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 85-471,712, FILED 11-14-2011.

TARAH HARDY, EXAMINING ATTORNEY

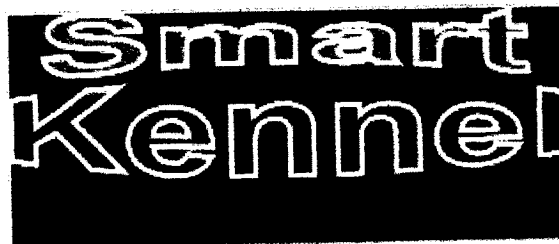


David S. Kappas

Director of the United States Patent and Trademark Office

EXHIBIT 48

United States of America
United States Patent and Trademark Office



Reg. No. 4,191,744

Registered Aug. 14, 2012

Int. Cl.: 20

TRADEMARK

PRINCIPAL REGISTER

WALACH, CHRISTOPHER E. (UNITED STATES INDIVIDUAL)
2747 PARADISE ROAD, # 2801
LAS VEGAS, NV 89109

FOR: DOG KENNELS; KENNELS WITH CARRIERS; PORTABLE KENNELS, IN CLASS 20
(U.S. CLS. 2, 13, 22, 25, 32 AND 50).

FIRST USE 1-2-2012; IN COMMERCE 1-2-2012.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "KENNEL", APART FROM THE
MARK AS SHOWN.

THE MARK CONSISTS OF THE WORDING "SMART KENNEL" IN STYLIZED LETTERING
WITH A RECTANGULAR CARRIER.

SN 85-335,677, FILED 6-1-2011

PAULI, MORENO, EXAMINING ATTORNEY



David J. Kypas

Director of the United States Patent and Trademark Office

EXHIBIT 49

United States of America
United States Patent and Trademark Office

SMARTBUYS

Reg. No. 4,228,145

Registered Oct. 16, 2012

Int. Cl.: 21

TRADEMARK

SUPPLEMENTAL REGISTER

AGIS, INC. (NEW JERSEY CORPORATION)
BLDG. K, SUITE 100
280 N. MIDLAND AVE.
SADDLE BROOK, NJ 07663

FOR: CAKE STANDS; COOKWARE FOR USE IN MICROWAVE OVENS; HOUSEHOLD UTENSILS, NAMELY, POT CLEANING PADS; PLASTIC BOARD SPECIALLY ADAPTED FOR USE IN FOLDING LAUNDRY FOR HOUSEHOLD USE; POT AND PAN SCRAPERS; POT CLEANING BRUSHES; POITIES FOR DOGS; SHOE POLISH APPLICATORS NOT CONTAINING SHOE POLISH, IN CLASS 21 (U.S. CLS. 2, 13, 23, 29, 30, 33, 40 AND 50).

FIRST USE 3-0-2011; IN COMMERCE 3-0-2011.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 85-565,606, FILED P.R. 3-9-2012; AM. S.R. 8-15-2012.

KATHLEEN M. VANSTON, EXAMINING ATTORNEY



David J. Kypas

Director of the United States Patent and Trademark Office

EXHIBIT 50

United States of America
United States Patent and Trademark Office

Smartdog Jerky

Reg. No. 4,238,252

Registered Nov. 6, 2012

Int. Cl.: 31

TRADEMARK

PRINCIPAL REGISTER

MERRITT, HEATHER (UNITED STATES INDIVIDUAL)
26671 MORENA
MISSION VIEJO, CA 92691

FOR: DOG FOOD, AND DOG TREATS, IN CLASS 31 (U.S. CLS. 1 AND 46).

FIRST USE: 5-0-2010, IN COMMERCE 5-0-2010.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "JERKY", APART FROM THE MARK AS SHOWN.

SN 85-172,890, FILED 11-9-2010.

ANNE FARRELL, EXAMINING ATTORNEY



David J. Kypas

Director of the United States Patent and Trademark Office

EXHIBIT 51

United States of America
United States Patent and Trademark Office

SmartChips

Reg. No. 4,243,162

PETMATRIX LLC (NEW YORK LIMITED LIABILITY COMPANY)
29 EAST NINTH STREET
NEW YORK, NY 10003

Registered Nov. 13, 2012

Int. Cl.: 31

FOR: DOG BISCUITS, EDIBLE DOG TREATS, EDIBLE DOG CHEWS, IN CLASS 31 (U.S. CLS. 1 AND 46).

TRADEMARK

FIRST USE: 4-3-2012; IN COMMERCE 4-3-2012

PRINCIPAL REGISTER

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SN 85-410,292, FILED 8-30-2011

ELI HELLMAN, EXAMINING ATTORNEY



David J. Kappas

Director of the United States Patent and Trademark Office

EXHIBIT 52

United States of America

United States Patent and Trademark Office

SMARTPRACTICE

Reg. No. 4,250,486

Registered Nov. 27, 2012

Int. Cls.: 5, 10, 18, and 21

TRADEMARK

PRINCIPAL REGISTER

SMARTHEALTH, INC. (ARIZONA CORPORATION)
3400 EAST MCDOWELL
PHOENIX, AZ 85008

FOR: DENTAL AND MEDICAL PRODUCTS, NAMELY, ADHESIVES FOR DENTAL, MEDICAL AND VETERINARY USE, MEDICATED MOUTHWASHES, MOUTHWASHES FOR MEDICAL PURPOSES, DENTAL IMPRESSION MATERIALS, MATERIALS FOR STOPPING TEETH, DENTAL AMALGAMS, DENTAL AMALGAMS OF GOLD, PHARMACEUTICAL PREPARATIONS TO FACILITATE TEETHING, DENTAL MASTICS, DENTAL VARNISH AND SEALANTS FOR USE BY DENTISTS, ADHESIVE FOR DENTAL PROSTHESES, PORCELAIN FOR DENTAL PROSTHESES, ALLOYS OF PRECIOUS METALS FOR DENTAL PURPOSES, RUBBER FOR DENTAL PURPOSES, NAMELY, FOR USE AS DENTAL IMPRESSION MATERIALS, MOULDING WAX FOR DENTAL USE, DENTAL ABRASIVES, MEDICAL PRODUCTS, NAMELY, DIAGNOSTIC TEST PATCH WHICH IS APPLIED TO THE EXTERIOR SKIN IN ORDER TO DETECT ALLERGIC CONTACT DERMATITIS FOR USE IN DOCTORS OFFICES, HOSPITALS AND CLINICS, DISPOSABLE TOWELLETTES IMPREGNATED WITH DISINFECTING CHEMICALS OR COMPOUNDS THEREFOR FOR USE IN HOSPITALS, DENTAL CLINICS, MEDICAL CLINICS AND MEDICAL OFFICES, VETERINARY SUPPLIES AND INSTRUMENTS, NAMELY, FLEA AND TICK PREVENTION POWDERS AND LIQUIDS, IN CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).

FIRST USE 1-1-2012; IN COMMERCE 1-1-2012.



FOR: DENTAL PRODUCTS, NAMELY, CROWNS, DAMS, DRILLS, BITE TRAYS; MEDICAL PRODUCTS, NAMELY, DISPOSABLE MEDICAL GLOVES, MEDICAL SCRUBS, NAMELY, BOTTOMS, TOPS, UNDERSHIRTS AND CAPS, VETERINARY SUPPLIES AND INSTRUMENTS, NAMELY, DISPOSABLE MEDICAL GLOVES, MEDICAL WEARING APPARL FOR VETERINARIANS, NAMELY, ROBES, SCRUBS AND FACE MASKS, IN CLASS 10 (U.S. CLS. 26, 39 AND 44).

FIRST USE 1-1-2012; IN COMMERCE 1-1-2012.

FOR: VETERINARY SUPPLIES AND INSTRUMENTS, NAMELY, ANIMAL LEASHES, PAW COVERS, AND ANIMAL COLLARS, IN CLASS 18 (U.S. CLS. 1, 2, 3, 22 AND 41).

FIRST USE 1-1-2012; IN COMMERCE 1-1-2012.

David J. Kappas

Director of the United States Patent and Trademark Office

Reg. No. 4,250,486 FOR: VETERINARY PET GROOMING SUPPLIES AND INSTRUMENTS, NAMELY, COMBS, BRUSHES, TOOTHBRUSHES, IN CLASS 21 (U.S. CLS. 2, 13, 23, 29, 30, 33, 40 AND 50).

FIRST USE 1-1-2012; IN COMMERCE 1-1-2012.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 1,531,419, 2,454,568, AND OTHERS.

SN 85-031,154, FILED 5-5-2010

ALYSSA STEEL, EXAMINING ATTORNEY

EXHIBIT 53

United States of America
United States Patent and Trademark Office

SmartSticks

Reg. No. 4,251,068

Registered Nov. 27, 2012

Int. Cl.: 31

TRADEMARK

PRINCIPAL REGISTER

PETMATRIX LLC (NEW YORK LIMITED LIABILITY COMPANY)
29 EAST NINTH STREET
NEW YORK, NY 10003

FOR: DOG BISCUITS, EDIBLE DOG TREATS, EDIBLE DOG CHEWS, IN CLASS 31 (U.S. CLS. 1 AND 46).

FIRST USE 4-3-2012; IN COMMERCE 4-3-2012

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR

SN 85-407,257, FILED 8-25-2011.

ELI HELLMAN, EXAMINING ATTORNEY



David J. Kybas

Director of the United States Patent and Trademark Office

EXHIBIT 54

United States of America

United States Patent and Trademark Office

Simple. Smart. Progressive.

Reg. No. 4,255,241

Registered Dec. 4, 2012

Int. Cl.: 44

SERVICE MARK

PRINCIPAL REGISTER

SELECT SIRES, INC. (OHIO CORPORATION)

11740 US 42 NORTH
PLAIN CITY, OH 43064

FOR: ANIMAL BREEDING, IN CLASS 44 (U.S. CLS. 100 AND 101).

FIRST USE 9-27-2012; IN COMMERCE 9-27-2012.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SN 85-519,213, FILED 1-18-2012

KAREN BRACEY, EXAMINING ATTORNEY



David J. Kybas

Director of the United States Patent and Trademark Office

EXHIBIT 55

United States of America

United States Patent and Trademark Office



Reg. No. 4,262,154

Registered Dec. 18, 2012

Int. Cl.: 5

TRADEMARK

PRINCIPAL REGISTER

FARNAM COMPANIES, INC. (ARIZONA CORPORATION)
301 WEST OSBORN ROAD
PHOENIX, AZ 85013

FOR ANIMAL HEALTH AND GROOMING SOLUTION APPLICATORS, NAMELY, A UNIQUE SQUEEZE DEVICE SOLD WITH TUBES OF LIQUID OR POWDER SOLUTIONS USED TO APPLY TOPICAL LIQUID SOLUTIONS AND/OR POWDERS FOR THE TREATMENT AND PREVENTION OF PEST INFESTATION IN COMPANION ANIMALS AND/OR FOR GROOMING OR OTHER HEALTH NEEDS OF COMPANION ANIMALS, IN CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).

FIRST USE 1-1-2012; IN COMMERCE 1-1-2012

THE MARK CONSISTS OF THE WORDS "SMART SHIELD" ENCLOSED IN A RECTANGLE WHICH IS SUPERIMPOSED ON A DEPICTION OF AN APPLICATION DEVICE INSIDE A SHIELD.

SN 85-386,905, FILED 8-2-2011.

ALLISON SCHRODY, EXAMINING ATTORNEY



David J. Kappas

Director of the United States Patent and Trademark Office

EXHIBIT 56

United States of America
United States Patent and Trademark Office

SMARTGRIP

Reg. No. 4,298,291

Registered Mar. 5, 2013

Int. Cl.: 27

TRADEMARK

PRINCIPAL REGISTER

PET FUSION, LLC (NEW JERSEY LIMITED LIABILITY COMPANY)
21 WHITMAN STREET
WEST ORANGE, NJ 07052

FOR: PET LITTER PAN FLOOR MATS, IN CLASS 27 (U.S. CLS. 19, 20, 37, 42 AND 50).

FIRST USE 10-30-2011; IN COMMERCE 10-30-2011.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 85-706,817, FILED 8-17-2012

NAAKWAMA ANKRATH, EXAMINING ATTORNEY



Lisa Stuart Liu
Acting Director of the United States Patent and Trademark Office

EXHIBIT 57

United States of America
United States Patent and Trademark Office

treat smart

Reg. No. 4,308,808

Registered Mar. 26, 2013

Int. Cl.: 31

TRADEMARK

PRINCIPAL REGISTER

LINCOLN BARK, LLC (ILLINOIS LIMITED LIABILITY COMPANY)
858 WEST ARMITAGE STREET #240
858 WEST ARMITAGE STREET #240
CHICAGO, IL 60614

FOR: PET TREATS, IN CLASS 31 (U.S. CLS. 1 AND 46)

FIRST USE 6-1-2010; IN COMMERCE 6-1-2010.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 85-690,838, FILED 7-30-2012.

NAKWAMA ANKRAH, EXAMINING ATTORNEY



Lisa Stewart
Acting Director of the United States Patent and Trademark Office

EXHIBIT 58

United States of America
United States Patent and Trademark Office

SMARTSIFT

Reg. No. 4,343,794

Registered May 28, 2013

Int. Cl.: 21

TRADEMARK

PRINCIPAL REGISTER

ROLF C. HAGEN INC. (CANADA CORPORATION)
20500 TRANS CANADA HIGHWAY
BAIR D'URFE H9X 0A2, CANADA

FOR: ANIMAL LITTER BOXES, PANS AND LINERS, IN CLASS 21 (U.S. CLS. 2, 13, 23, 29, 30, 33, 40 AND 50).

FIRST USE 9-0-2012; IN COMMERCE 9-0-2012.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SN 85-578,409, FILED 3-23-2012.

LINDA MICKLEBURGH, EXAMINING ATTORNEY



Linda Mickleburgh
Acting Director of the United States Patent and Trademark Office

EXHIBIT 59

United States of America

United States Patent and Trademark Office

THE SMART ALTERNATIVE TO RAWHIDE

Reg. No. 4,357,834

Registered June 25, 2013

Int. Cl.: 31

TRADEMARK

PRINCIPAL REGISTER

PETMATRIX LLC (NEW YORK LIMITED LIABILITY COMPANY)
29 EAST NINTH STREET
NEW YORK, NY 10003

FOR: DOG BISCUITS, EDIBLE DOG TREATS, EDIBLE DOG CHEWS, IN CLASS 31 (U.S. CLS. 1 AND 46)

FIRST USE 2-28-2011; IN COMMERCE 2-28-2011.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NO. 4,282,233.

SER. NO. 85-764,676, FILED 10-26-2012.

LUCY ARANT, EXAMINING ATTORNEY



Lucy Arant
Lucy Arant, Examining Attorney

EXHIBIT 60

United States of America
United States Patent and Trademark Office



Reg. No. 4,409,551

Registered Oct. 1, 2013

Int. Cls.: 9, 10, 16, 35, 36,
37, 38, 39, 41, 42 and 44

TRADEMARK

SERVICE MARK

PRINCIPAL REGISTER

KARL STORZ GMBH & CO. KG (FED REP GERMANY KOMMANDITGESELLSCHAFT
(KG))
MITTELSTRASSE 8
TUTTLINGEN, FED REP GERMANY D-78532

FOR: DATA PROCESSORS FOR DOCUMENTING MEDICAL DATA RETRIEVED FROM
ENDOSCOPIC PROCEDURES; BLANK MAGNETIC AND BLANK OPTICAL DISKS; REMOTE
CONTROL DEVICES FOR TECHNICAL AND SCIENTIFIC APPARATUS AND INSTRU-
MENTS; COMPUTER HARDWARE, PRE-RECORDED COMPUTER SOFTWARE FOR OPER-
ATING TECHNICAL AND SCIENTIFIC APPARATUS AND INSTRUMENTS; APPARATUS
FOR RECORDING, TRANSMISSION AND REPRODUCTION OF SOUND AND IMAGES;
TRAINING AND TEACHING APPARATUS AND INSTRUMENTS, NAMELY, COMPUTER
HARDWARE, SOFTWARE AND PERIPHERALS ALL FOR USE IN PROVIDING INSTRU-
CTION IN THE USE OF MEDICAL TECHNOLOGY; ELECTRONIC TEST AND CONTROL
DEVICES FOR EXAMINING, TESTING AND CHECKING THE MECHANICAL FUNCTION,
OPTICAL FUNCTION, MAGNETO-ELECTRICAL FUNCTION, POLARIZATION AND FRE-
QUENCY OF MEDICAL, TECHNICAL, AND SCIENTIFIC APPARATUS AND INSTRUMENTS;
PRECISION INSTRUMENTS FOR MANIPULATION AND POSITIONING OF MICROSCOPIC
OBJECTS; OPTICAL DISK READERS FOR THE DETECTION OF PATIENTS AND MEDICAL
INSTRUMENTS AND APPARATUS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).



FOR: SURGICAL, MEDICAL, DENTAL AND VETERINARY INSTRUMENTS AND APPAR-
ATUS, NAMELY, SURGICAL AND MEDICAL APPARATUS AND INSTRUMENTS FOR
GENERAL AND ENDOSCOPIC SURGERY; SURGICAL, MEDICAL, DENTAL AND
VETERINARY INSTRUMENTS AND EQUIPMENT, NAMELY, NETWORKED SYSTEM
CONSISTING OF SURGICAL AND MEDICAL APPARATUS AND INSTRUMENTS FOR
GENERAL AND ENDOSCOPIC SURGERY; MEDICAL DEVICES, NAMELY, LANGUAGE,
REMOTE CONTROLS, VOICE CONTROLS, AND TELE-CONTROLS FOR MEDICAL
AND SURGICAL INSTRUMENTS AND APPARATUS; OPERATING ROOM EQUIPMENT,
NAMELY, OPERATING TABLES, IN CLASS 10 (U.S. CLS. 26, 39 AND 44).

Lisa Stuart
Lisa Stuart, Director, Trademark and Service Mark Division

FOR: PRINTED MATTER, NAMELY, NEWSPAPERS, MAGAZINES, BOOKS, PRINTED
PERIODICALS, NEWSLETTERS AND BROCHURES IN THE FIELD OF MEDICAL, IMAGING,
AND ENDOSCOPIC TECHNOLOGY; PRINTED INSTRUCTIONAL AND TEACHING MA-
TERIALS IN THE FIELD OF MEDICAL, IMAGING, AND ENDOSCOPIC TECHNOLOGY;
BROCHURES ABOUT MEDICAL, IMAGING AND ENDOSCOPIC TECHNOLOGY; CATA-

Reg. No. 4,409,551 LOGUES IN THE FIELD OF MEDICAL, IMAGING AND ENDOSCOPIC TECHNOLOGY; PHOTOGRAPHS, IN CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50)

FOR: ADVERTISING SERVICES; BUSINESS MANAGEMENT; BUSINESS MANAGEMENT AND ENTERPRISE ORGANIZATION CONSULTANCY; BUSINESS ADMINISTRATION AND OFFICE WORK; CONSULTATION IN THE FIELD OF BUSINESS PROMOTION, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FOR: INSURANCE BROKERAGE SERVICES; FINANCIAL ACCOUNTING SERVICES; FINANCIAL TRANSACTION SERVICES, NAMELY, PROVIDING SECURE COMMERCIAL TRANSACTION AND PAYMENT OPTIONS; REAL ESTATE CONSULTATION, IN CLASS 36 (U.S. CLS. 100, 101 AND 102).

FOR: INSTALLATION, REPAIR AND MAINTENANCE OF MEDICAL AND SURGICAL INSTRUMENTS AND APPARATUS, IN PARTICULAR SCISSORS, HOOKS, TROCARS, ENDOSCOPES; INSTALLATION, REPAIR AND MAINTENANCE OF COMPUTER HARDWARE; CONSTRUCTION PROJECT MANAGEMENT SERVICES, IN PARTICULAR OF CLINICS AND OPERATING ROOMS, IN CLASS 37 (U.S. CLS. 100, 103 AND 106).

FOR: PROVIDING MULTIPLE-USER ACCESS TO GLOBAL COMPUTER INFORMATION NETWORKS FOR THE TRANSFER AND DISSEMINATION OF A WIDE RANGE OF INFORMATION, IN CLASS 38 (U.S. CLS. 100, 101 AND 104).

FOR: TRANSPORTATION OF GOODS; PACKAGING AND STORAGE OF MEDICAL AND SURGICAL INSTRUMENTS AND APPARATUS; ORGANIZATION OF TRAVEL; STORAGE AND TRANSPORT OF MEDICAL AND SURGICAL INSTRUMENTS AND APPARATUS, IN CLASS 39 (U.S. CLS. 100 AND 105).

FOR: TRAINING SERVICES IN THE FIELD OF MEDICAL, IMAGING, AND ENDOSCOPIC TECHNOLOGY; ORGANIZATION OF CONFERENCES, CONGRESSES, WORKSHOPS AND SYMPOSIA IN THE FIELD OF MEDICAL, IMAGING, AND ENDOSCOPIC TECHNOLOGY; EDUCATION SERVICES, NAMELY, PROVIDING CLASSES, SEMINARS, AND WORKSHOPS IN THE FIELD OF MEDICAL, IMAGING, AND ENDOSCOPIC TECHNOLOGY FOR DOCTORS AND NURSES; TRAINING OF DOCTORS AND NURSES IN THE FIELD OF IN THE FIELD OF MEDICAL, IMAGING, AND ENDOSCOPIC TECHNOLOGY; PUBLICATION OF PRINTED PRODUCTS, NAMELY, BOOKS, MAGAZINES, INFORMATION SHEETS, NEWSPAPERS, CATALOGS, AND BROCHURES; PUBLISHING OF ELECTRONIC PUBLICATIONS, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FOR: ARCHITECTURE CONSULTING; ARCHITECTS SERVICES, IN CLASS 42 (U.S. CLS. 100 AND 101).

FOR: MEDICAL SERVICES; VETERINARY SERVICES; HYGENIC AND BEAUTY CARE FOR HUMAN BEINGS AND ANIMALS; EXCHANGE AND RENTAL OF MEDICAL INSTRUMENTS AND APPARATUS; CONSULTATION SERVICES IN THE FIELD OF MEDICAL AND VETERINARY INSTRUMENTS AND DEVICES; CONSULTATION IN THE FIELD OF MEDICAL AND VETERINARY PROCESSES, IN CLASS 44 (U.S. CLS. 100 AND 101).

PRIORITY CLAIMED UNDER SEC. 44(D) ON ERPN CMNTY TM OFC APPLICATION NO. 010514487, FILED 12-21-2011, REG. NO. 010514487, DATED 2-4-2013, EXPIRES 12-21-2021.

THE COLOR(S) BLUE AND ORANGE IS/ARE CLAIMED AS A FEATURE OF THE MARK.

OWNER OF U.S. REG. NOS. 3,290,282, 3,771,631 AND OTHERS.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "SMART" IN INTERNATIONAL CLASSES 9 AND 10, APART FROM THE MARK AS SHOWN.

Reg. No. 4,409,551 THE MARK CONSISTS OF THE WORDING "SMART" IMMEDIATELY TO THE RIGHT OF A DESIGN OF A CHECKMARK WITHIN A BULLSEYE DESIGN. THE COLOR BLUE APPEARS IN THE BULL SEYE AND THE WORD "SMART". THE COLOR ORANGE APPEARS IN THE CHECKMARK.

SER. NO. 85-656,552. FILED 6-20-2012.

LINDA ORNDORFF, EXAMINING ATTORNEY

EXHIBIT 61

United States of America

United States Patent and Trademark Office



Reg. No. 4,409,620
Registered Oct. 1, 2013
Int. Cls.: 5 and 35

TRADEMARK
SERVICE MARK
PRINCIPAL REGISTER

LIVSMART 360, LLC (FLORIDA LIMITED LIABILITY COMPANY)
2829 CATTLEMEN ROAD
SARASOTA, FL 34232

FOR: APPETITE SUPPRESSANTS; DIETARY AND NUTRITIONAL SUPPLEMENTS; DIETARY BEVERAGE SUPPLEMENTS FOR HUMAN CONSUMPTION IN LIQUID AND DRY MIX FORM FOR THERAPEUTIC PURPOSES; DIETARY SUPPLEMENT DRINK MIXES; DIETARY SUPPLEMENTAL DRINKS; DIETARY SUPPLEMENTS FOR PETS; DIETARY SUPPLEMENTS FOR PETS IN THE NATURE OF A POWDERED DRINK MIX; DIETARY SUPPLEMENTS IN THE NATURE OF WEIGHT LOSS POWDERS; FEED SUPPLEMENTS FOR PETS; HERBAL SUPPLEMENTS; LIQUID NUTRITIONAL SUPPLEMENT; NATURAL HERBAL SUPPLEMENTS; NUTRITIONAL SUPPLEMENT SHAKES; POWDERED NUTRITIONAL SUPPLEMENT DRINK MIX; THERAPEUTIC AGENTS FOR WEIGHT CONTROL AND APPETITE SUPPRESSION; VITAMIN AND MINERAL SUPPLEMENTS; VITAMIN ENRICHED CHEWING GUM; WEIGHT MANAGEMENT SUPPLEMENTS, IN CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).

FIRST USE 4-1-2010; IN COMMERCE 4-1-2010.



Steven M. Smith
Deputy Director of the United States Patent and Trademark Office

FOR: DISTRIBUTORSHIP SERVICES IN THE FIELD OF DIETARY AND NUTRITIONAL SUPPLEMENTS, MEAL REPLACEMENT PREPARATIONS, WEIGHT LOSS SUPPLEMENTS AND PREPARATIONS, COSMETIC AND PERSONAL CARE PREPARATIONS, TRAVEL PACKAGES, TAX ADVISORY PRODUCTS, WEBSITE DEVELOPMENT PRODUCTS, PET CARE PREPARATIONS, AND HOUSEHOLD AND AUTOMOTIVE CLEANING PREPARATIONS, MULTI-LEVEL MARKETING SERVICES, ON-LINE ORDERING SERVICES FEATURING DIETARY AND NUTRITIONAL SUPPLEMENTS, MEAL REPLACEMENT PREPARATIONS, WEIGHT LOSS SUPPLEMENTS AND PREPARATIONS, COSMETIC AND PERSONAL CARE PREPARATIONS, TRAVEL PACKAGES, TAX ADVISORY PRODUCTS, WEBSITE DEVELOPMENT PRODUCTS, SEARCH ENGINE OPTIMIZATION SERVICES, PET CARE PREPARATIONS, AND HOUSEHOLD AND AUTOMOTIVE CLEANING PREPARATIONS, ON-LINE RETAIL STORE SERVICES FEATURING DIETARY AND NUTRITIONAL SUPPLEMENTS, MEAL REPLACEMENT PREPARATIONS, WEIGHT LOSS SUPPLEMENTS AND PREPARATIONS, COSMETIC AND PERSONAL CARE PREPARATIONS, TRAVEL PACKAGES, TAX ADVISORY PRODUCTS, WEBSITE DEVELOPMENT PRODUCTS, SEARCH ENGINE OPTIMIZATION SERVICES, PET CARE PREPARATIONS, AND HOUSEHOLD AND AUTOMOTIVE CLEANING PREPARATIONS; RETAIL SERVICES BY DIRECT SOLICITATION BY SALES AGENTS IN THE FIELD OF DIETARY AND NUTRITIONAL SUPPLE-

Reg. No. 4,409,620 MENTS, MEAL REPLACEMENT PREPARATIONS, WEIGHT LOSS SUPPLEMENTS AND PREPARATIONS, COSMETIC AND PERSONAL CARE PREPARATIONS, TRAVEL PACKAGES, TAX ADVISORY PRODUCTS, WEBSITE DEVELOPMENT PRODUCTS, SEARCH ENGINE OPTIMIZATION SERVICES, PET CARE PREPARATIONS, AND HOUSEHOLD AND AUTOMOTIVE CLEANING PREPARATIONS, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 4-1-2010, IN COMMERCE 4-1-2010.

OWNER OF U.S. REG. NO. 4,210,461.

THE MARK CONSISTS OF THE WORDING "LIVE SMART 360 THREE SIXTY" IN THE SHAPE OF A CIRCLE. THE WORDS "LIVE SMART" FORM THE TOP PART OF THE CIRCLE AND THE WORDS "THREE SIXTY" FORM THE BOTTOM PART OF THAT CIRCLE. THERE ARE BULLET POINTS BEFORE AND AFTER EACH SUCH PHRASE. THE NUMBER "360" IS PRESENTED IN STYLIZED TEXT AND IS SUPERIMPOSED OVER THE CIRCLE SHAPE. THERE IS A DEGREES SYMBOL SUPERIMPOSED OVER THE TOP RIGHT OF THE "0" AND THE NUMBER "6" OVERLAPS THE "3" AND THE "0" IN THE NUMBER "360".

SER. NO. 85-677,689, FILED 7-16-2012.

DANIEL CAPSHAW, EXAMINING ATTORNEY

EXHIBIT 62

United States of America
United States Patent and Trademark Office

HEIFERSMART

Reg. No. 4,481,786

Registered Feb. 11, 2014

Int. Cl.: 5

TRADEMARK

PRINCIPAL REGISTER

PURINA ANIMAL NUTRITION LLC (DELAWARE LIMITED LIABILITY COMPANY)
1080 COUNTY ROAD F WEST
SHOREVIEW, MN 55126

FOR: MEDICATED ANIMAL FEED, IN CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).

FIRST USE: 11-5-2012; IN COMMERCE 11-5-2012.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SN 85-623,121, FILED 5-11-2012.

MARIA-VICTORIA SUAREZ, EXAMINING ATTORNEY



Michelle K. Lee
Deputy Director of the United States
Patent and Trademark Office

EXHIBIT 63

United States of America
United States Patent and Trademark Office

SMART STEP

Reg. No. 4,302,548

Registered Mar. 12, 2013

Int. Cl.: 31

TRADEMARK

PRINCIPAL REGISTER

THE NUTRO COMPANY (CALIFORNIA CORPORATION)
1550 W. MCEWEN DRIVE
FRANKLIN, TN 37067

FOR: PET FOOD, IN CLASS 31 (U.S. CLS. 1 AND 46).

FIRST USE 7-0-2012, IN COMMERCE 7-0-2012

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SN 85-515,665, FILED 1-13-2012

DAVID MURRAY, EXAMINING ATTORNEY



Lisa Stuart Liu
Acting Director of the United States Patent and Trademark Office

EXHIBIT 64

United States of America
United States Patent and Trademark Office

SMART TREATING

Reg. No. 4,302,558

THE NUTRO COMPANY (CALIFORNIA CORPORATION)
1550 W. MCEWEN DRIVE
FRANKLIN, TN 37067

Registered Mar. 12, 2013

Int. Cl.: 44

FOR: PROVIDING INFORMATION IN THE FIELDS OF PET HEALTH AND PET NUTRITION,
IN CLASS 44 (U.S. CLS. 100 AND 101).

SERVICE MARK

FIRST USE: 6-0-2012, IN COMMERCE: 6-0-2012.

PRINCIPAL REGISTER

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SN 85-518,246, FILED 1-17-2012.

DAVID MURRAY, EXAMINING ATTORNEY



Lisa Smith
Acting Director of the United States Patent and Trademark Office

EXHIBIT 65

United States of America
United States Patent and Trademark Office

SMARTBITES

Reg. No. 4,357,586

Registered June 25, 2013

Int. Cl.: 31

TRADEMARK

PRINCIPAL REGISTER

THE NUTRO COMPANY (CALIFORNIA CORPORATION)
1550 W. MCFWEN DRIVE
FRANKLIN, TN 37067

FOR: PET FOOD; PET TREATS, IN CLASS 31 (U.S. CLS. 1 AND 46)

FIRST USE 7-0-2006; IN COMMERCE 7-0-2006.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 3,119,320 AND 3,330,768.

SER. NO. 85-758,240, FILED 10-19-2012

EXHIBIT 66

United States of America
United States Patent and Trademark Office

SMART DOG JOGGING

Reg. No. 4,485,375

Registered Feb. 18, 2014

Int. Cl.: 45

SERVICE MARK

PRINCIPAL REGISTER

MAUSHARDT, KYLE (UNITED STATES INDIVIDUAL)
2828 LEHMAN ROAD SUITE B
CINCINNATI, OH 45204

FOR: PET SITTING, IN CLASS 45 (U.S. CLS. 100 AND 101).

FIRST USE: 9-17-2013; IN COMMERCE 9-17-2013.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "DOG JOGGING", APART FROM THE MARK AS SHOWN.

SER. NO. 86-078,030, FILED 9-30-2013.

JIM RINGLE, EXAMINING ATTORNEY



Michelle K. Lee
Deputy Director of the United States
Patent and Trademark Office

EXHIBIT 67

United States of America
United States Patent and Trademark Office

SMART PUPPY PLAN

Reg. No. 4,498,230

Registered Mar. 18, 2014

Int. Cl.: 45

SERVICE MARK

PRINCIPAL REGISTER

MAUSHARDT, KYLE (UNITED STATES INDIVIDUAL)
2828 LEHMAN ROAD SUITE B
CINCINNATI, OH 45204

FOR: PET SITTING, IN CLASS 45 (U.S. CLS. 100 AND 101)

FIRST USE 9-17-2013; IN COMMERCE 9-17-2013

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "PUPPY PLAN", APART FROM THE MARK AS SHOWN.

SER. NO. 86-077,923, FILED 9-30-2013.

JIM RINGLE, EXAMINING ATTORNEY



Michelle K. Lee

Deputy Director of the United States
Patent and Trademark Office

EXHIBIT 68

United States of America
United States Patent and Trademark Office



Reg. No. 4,537,822

Registered May 27, 2014

Int. Cl.: 31

TRADEMARK

PRINCIPAL REGISTER

AINSWORTH PET NUTRITION, INC. (PENNSYLVANIA CORPORATION)
ATTN: SCOTT PULKOWSKI
18746 MILL STREET
MEADVILLE, PA 16335

FOR: PET TREATS, IN CLASS 31 (U.S. CLS. 1 AND 46).

FIRST USE 8-10-2013; IN COMMERCE 8-10-2013.

OWNER OF U.S. REG. NO. 2,877,338.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "EARS", APART FROM THE MARK AS SHOWN.

THE MARK CONSISTS OF A THOUGHT BUBBLE CONTAINING THE WORDS "BETTER THAN! THE SMARTER CHOICE" WITH THE WORDS "EARS" AND A SILHOUETTE OF A PIG EAR BELOW IT.

SER. NO. 86-133,850, FILED 12-3-2013.

KELLEY WELLS, EXAMINING ATTORNEY



Nichelle K. Lee
Deputy Director of the United States
Patent and Trademark Office

EXHIBIT 69

United States of America
United States Patent and Trademark Office

SMART-FEATURES

Reg. No. 4,538,965

Registered May 27, 2014

Int. Cl.: 12

TRADEMARK

PRINCIPAL REGISTER

GEN 7, INC. (PENNSYLVANIA CORPORATION)
4020 MAIN STREET
ELVERSON, PA 19520

FOR: PET PRODUCTS, NAMELY, PET STROLLERS, PET STROLLER CANOPIES, AND BASKETS ADAPTED FOR USE WITH PET STROLLERS, IN CLASS 12 (U.S. CLS. 19, 21, 23, 31, 35 AND 44)

FIRST USE 3-31-2013; IN COMMERCE 3-31-2013.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SN 85-809,358, FILED 12-21-2012

JULIE WATSON, EXAMINING ATTORNEY



Michelle K. Lee
Deputy Director of the United States
Patent and Trademark Office

EXHIBIT 70

Generated on: This page was generated by TSDR on 2014-06-09 14:54:49 EDT

Mark: SMART PRODUCTS FOR PETS

SMART PRODUCTS FOR PETS

US Serial Number: 86078192

Application Filing Date: Sep. 30, 2013

Register: Principal

Mark Type: Service Mark

Status: Application has been published for opposition. The opposition period begins on the date of publication.

Status Date: May 13, 2014

Publication Date: May 13, 2014

Mark Information

Mark Literal Elements: SMART PRODUCTS FOR PETS

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

Disclaimer: "PRODUCTS FOR PETS"

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: Distributorships in the field of pet treats, pet foods and pet toys; Distributorships in the field of over-the counter pet medications; business services, namely, product sourcing of pet treats, pet toys and pet foods for others; business services, namely, product sourcing of over-the-counter pet medications for others

International Class(es): 035 - Primary Class

U.S Class(es): 100, 101, 102

Class Status: ACTIVE

Basis: 1(a) 1(b)

First Use: Jul. 31, 2013

Use in Commerce: Jul. 31, 2013

Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: Yes	Currently ITU: Yes	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: VS Holdings, LLC

DBA, AKA, Formerly: DBA Right Angle Pet

Owner Address: 16821 SE McGillivray Blvd.
#112
Vancouver, WASHINGTON 98683
UNITED STATES

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: WASHINGTON

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Heather L. Buchta

Docket Number: 152911.00003

Attorney Primary Email tm-dept@quarles.com
Address:

Attorney Email Yes
Authorized:

Correspondent

Correspondent Name/Address: HEATHER L. BUCHTA
QUARLES & BRADY LLP
2 N CENTRAL AVE
PHOENIX, ARIZONA 85004-2322
UNITED STATES

Phone: (602) 229-5228

Fax: (602) 229-5690

Correspondent e-mail: tm-dept@quarles.com

Correspondent e-mail Yes
Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
May 13, 2014	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
May 13, 2014	PUBLISHED FOR OPPOSITION	
Apr. 23, 2014	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Apr. 09, 2014	LAW OFFICE PUBLICATION REVIEW COMPLETED	69712
Apr. 07, 2014	ASSIGNED TO LIE	69712
Mar. 24, 2014	APPROVED FOR PUB - PRINCIPAL REGISTER	
Mar. 24, 2014	EXAMINER'S AMENDMENT ENTERED	59554
Mar. 21, 2014	ASSIGNED TO LIE	66121
Mar. 21, 2014	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Mar. 21, 2014	EXAMINERS AMENDMENT E-MAILED	6328
Mar. 21, 2014	EXAMINERS AMENDMENT -WRITTEN	67971
Jan. 22, 2014	NOTIFICATION OF PRIORITY ACTION E-MAILED	6326
Jan. 22, 2014	PRIORITY ACTION E-MAILED	6326
Jan. 22, 2014	PRIORITY ACTION WRITTEN	67971
Jan. 14, 2014	ASSIGNED TO EXAMINER	67971
Oct. 08, 2013	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Oct. 03, 2013	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information

TM Attorney: MICHELI, ANGELA M

Law Office Assigned: LAW OFFICE 101

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Apr. 09, 2014

EXHIBIT 71

Generated on: This page was generated by TSDR on 2014-06-09 15:04:43 EDT

Mark: SMARTCAT



US Serial Number: 85399401

Application Filing Date: Aug. 16, 2011

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: Jan. 24, 2013

Publication Date: Dec. 25, 2012

Mark Information

Mark Literal Elements: SMARTCAT

Standard Character Claim: No

Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

Description of Mark: The mark consists of the word "SmartCat" in a darkened oval. On the left side of the oval is the image of a cat giving a 'thumbs up' and wearing a graduation cap.

Color(s) Claimed: Color is not claimed as a feature of the mark.

Design Search Code(s): 03.01.04 - Cats, domestic Cats: Kittens
03.01.26 - Costumed cats, dogs, wolves, foxes, bears and those with human attributes
09.05.11 - Hats, graduation (mortarboards); Mortarboards (graduation hats)
26.03.21 - Ovals that are completely or partially shaded

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: Pet equipment, namely, fountains, in the nature of automated pet waterers and automated pet feeders, and replacement parts for automated pet waterers and automated pet feeders

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: Dec. 31, 1999

Use in Commerce: Dec. 31, 1999

For: Pet equipment, namely, scratching and climbing structures, and pet play structures

International Class(es): 020 - Primary Class

U.S Class(es): 002, 013, 022, 025, 032, 050

Class Status: ACTIVE

Basis: 1(a)

First Use: Dec. 31, 1999

Use in Commerce: Dec. 31, 1999

For: Pet equipment, namely, feeding vessels for pets, pet feeding dishes, litter boxes and litter box scoops

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: Dec. 31, 1999

Use in Commerce: Dec. 31, 1999

For: Pet equipment, namely, pet toys

International Class(es): 028 - Primary Class

U.S Class(es): 022, 023, 038, 050

Class Status: ACTIVE

Basis: 1(a)

First Use: Dec. 31, 1999

Use in Commerce: Dec. 31, 1999

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: Pioneer Pet Products, LLC

Owner Address: N144 W5660 Pioneer Road
Cedarburg, WISCONSIN 53012
UNITED STATES

Legal Entity Type: LIMITED LIABILITY COMPANY State or Country Where Organized: WISCONSIN

Attorney/Correspondence Information

Attorney of Record

Attorney Name: David D. Stein Docket Number: 91.135

Attorney Primary Email Address: docketing@boylefred.com Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: DAVID D STEIN
BOYLE FREDRICKSON SC
840 N PLANKINTON AVE
MILWAUKEE, WISCONSIN 53203-1802
UNITED STATES

Phone: 414-225-9755 Fax: 414-225-9753

Correspondent e-mail: docketing@boylefred.com Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jan. 24, 2013	OPPOSITION INSTITUTED NO. 999999	209013
Jan. 24, 2013	OPPOSITION PAPERS RECEIVED AT TTAB	
Dec. 25, 2012	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Dec. 25, 2012	PUBLISHED FOR OPPOSITION	
Dec. 05, 2012	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Nov. 17, 2012	LAW OFFICE PUBLICATION REVIEW COMPLETED	71373
Nov. 17, 2012	ASSIGNED TO LIE	71373
Nov. 01, 2012	APPROVED FOR PUB - PRINCIPAL REGISTER	
Nov. 01, 2012	EXAMINER'S AMENDMENT ENTERED	88888
Nov. 01, 2012	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Nov. 01, 2012	EXAMINERS AMENDMENT E-MAILED	6328
Nov. 01, 2012	EXAMINERS AMENDMENT -WRITTEN	82414
Oct. 11, 2012	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Oct. 11, 2012	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Oct. 11, 2012	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Apr. 11, 2012	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Apr. 11, 2012	NON-FINAL ACTION E-MAILED	6325
Apr. 11, 2012	NON-FINAL ACTION WRITTEN	82414
Mar. 23, 2012	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Mar. 22, 2012	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Mar. 22, 2012	TEAS RESPONSE TO OFFICE ACTION RECEIVED	

Sep. 22, 2011	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Sep. 22, 2011	NON-FINAL ACTION E-MAILED	6325
Sep. 22, 2011	NON-FINAL ACTION WRITTEN	82414
Sep. 19, 2011	ASSIGNED TO EXAMINER	82414
Aug. 20, 2011	NOTICE OF DESIGN SEARCH CODE AND PSEUDO MARK MAILED	
Aug. 19, 2011	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	

TM Staff and Location Information

TM Attorney: CHANG, KATHERINE S

Law Office Assigned: LAW OFFICE 115

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Nov. 17, 2012

Proceedings

Summary

Number of Proceedings: 1

Type of Proceeding: Opposition

Proceeding Number: 91209013

Filing Date: Jan 24, 2013

Status: Pending

Status Date: Jan 24, 2013

Interlocutory Attorney: MARY CATHERINE FAINT

Defendant

Name: Pioneer Pet Products, LLC

Correspondent Address: DAVID D STEIN
BOYLE FREDRICKSON SC
840 N PLANKINTON AVE
MILWAUKEE WI . 53203-1802
UNITED STATES

Correspondent e-mail: docketing@boylefred.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
SMARTCAT	Opposition Pending Plaintiff(s)	<u>85399401</u>	

Name: Worldwise, Inc.

Correspondent Address: JORDAN S WEINSTEIN
BARNES & THORNBURG LLP
1717 PENNSYLVANIA AVE NW, SUITE 500
WASHINGTON DC . 20005
UNITED STATES

Correspondent e-mail: jweinstein@btlaw.com , dbondurant@btlaw.com , docketingtm-dc@btlaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
SMARTYKAT	Section 8 and 15 - Accepted and Acknowledged	<u>78672447</u>	<u>3160912</u>

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jan 24, 2013	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jan 24, 2013	Mar 05, 2013
3	PENDING, INSTITUTED	Jan 24, 2013	
4	ANSWER	Mar 05, 2013	
5	STIP FOR EXT	Sep 16, 2013	
6	EXTENSION OF TIME GRANTED	Sep 16, 2013	
7	STIP FOR EXT	Nov 12, 2013	
8	EXTENSION OF TIME GRANTED	Nov 12, 2013	
9	STIP FOR EXT	Jan 16, 2014	

10	EXTENSION OF TIME GRANTED	Jan 16, 2014
11	STIP FOR EXT	Mar 20, 2014
12	EXTENSION OF TIME GRANTED	Mar 20, 2014
13	W/DRAW OF OPPOSITION	Jun 03, 2014

EXHIBIT 72

Generated on: This page was generated by TSDR on 2014-06-09 15:08:06 EDT

Mark: SMARTCHEW

SmartChew

US Serial Number: 86217151

Application Filing Date: Mar. 11. 2014

Register: Principal

Mark Type: Trademark

Status: Review prior to publication completed.

Status Date: May 09, 2014

Publication Date: Jun. 17. 2014

Mark Information

Mark Literal Elements: SMARTCHEW

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: Dog biscuits, edible dog treats, edible dog chews

International Class(es): 031 - Primary Class

U.S Class(es): 001, 046

Class Status: ACTIVE

Basis: 1(b)

Basis Information (Case Level)

Filed Use: No	Currently Use: No	Amended Use: No
Filed ITU: Yes	Currently ITU: Yes	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: Petmatrix LLC

Owner Address: Suite 302A
160 Pehle Avenue
Saddle Brook, NEW JERSEY 07663
UNITED STATES

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: NEW YORK

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Steven L. Permut

Docket Number: 7623.3046.00

Attorney Primary Email permut@reising.com
Address:

Attorney Email Yes
Authorized:

Correspondent

Correspondent STEVEN L. PERMUT
Name/Address: REISING ETHINGTON P.C.
755 W BIG BEAVER RD STE 1850
TROY, MICHIGAN 48064-4925
UNITED STATES

Phone: 248-689-3500

Fax: 248-689-4071

Correspondent e-mail: permut@reising.com

Correspondent e-mail Yes
Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
May 28, 2014	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
May 07, 2014	APPROVED FOR PUB - PRINCIPAL REGISTER	
May 07, 2014	ASSIGNED TO EXAMINER	68788
Mar. 25, 2014	NOTICE OF PSEUDO MARK E-MAILED	
Mar. 24, 2014	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Mar. 14, 2014	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information

TM Attorney: BUTLER, MIDGE FAE

Law Office Assigned: LAW OFFICE 107

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: May 09, 2014

EXHIBIT 73

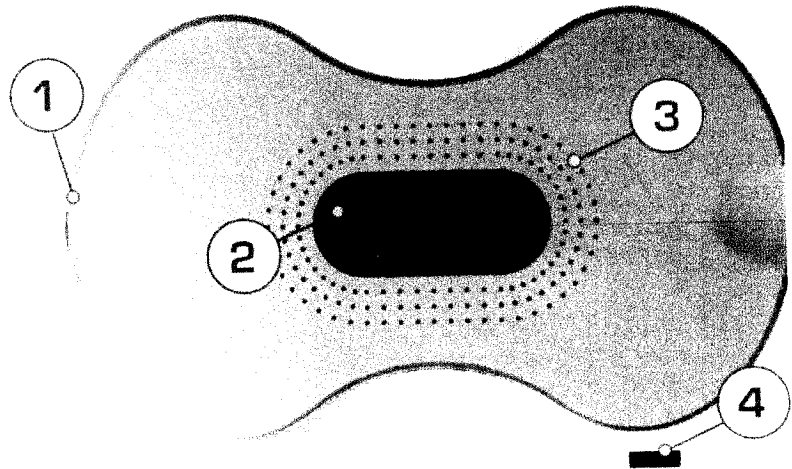
SmartDog®

HOW IT WORKS

How it works

SmartDog® is a wire free, rechargeable device, incorporating web cam, speaker, motion sensor and treat dispenser.

Simply secure the device on any wall of your home, download the mobile app and start interacting with your home alone dog.



1

Power Button.

2

Wirelessly connected web cam delivers high quality images to your mobile phone. A unique sensor even allows your dog to call you!

3

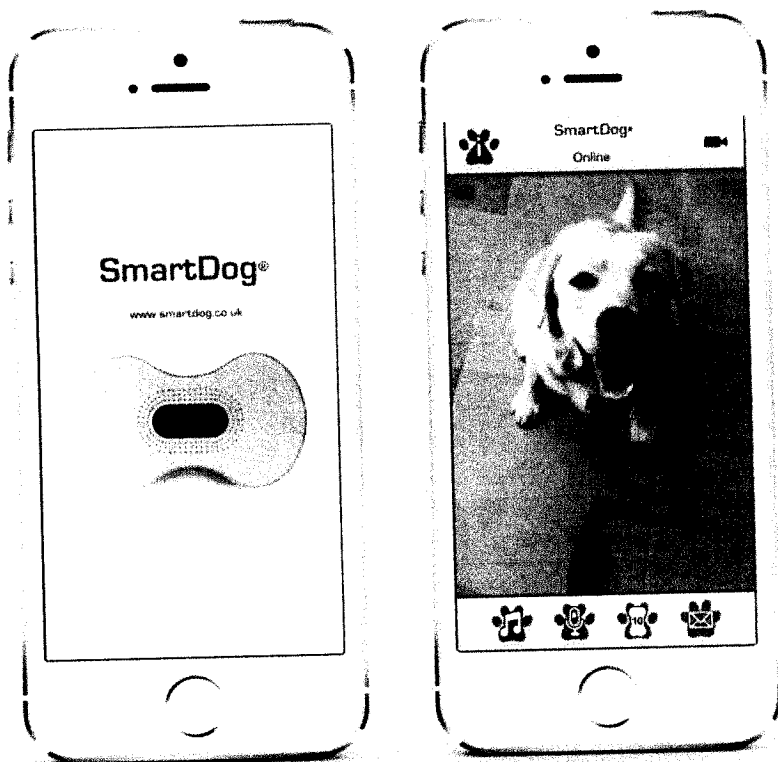
Call your dog, send live messages or play pre-recorded messages via the loudspeaker.

4

Reward your dog with a healthy, nutritious treat wherever you are. Provided by Thrive pet foods.

What you can do with SmartDog®

- See your dog live from your Internet connected mobile phone, iPad or tablet
- Call your dog with a pre-recorded message or ringtone
- Speak to your dog
- Treat your dog with nutritious treats
- A unique sensor even allows your dog to call you!



Follow

[Terms and conditions](#) | [Privacy policy](#)
[Terms of Use](#) | [Cookie policy](#) | [EULA](#)

Contact

info@smartdog.co.uk

Device designed by Absolute Product Design
Website and mobile app designed and built by Reactor15

Copyright © Four Legged Trends Limited 2014 trading as SmartDog®.

Unauthorised reproduction or transmission of all or part of our website or App, whether by photocopying, downloading, uploading, decompiling or storing in any medium by electronic means or otherwise is prohibited.

Important

SmartDog® does not advocate leaving dogs alone for extended periods of time. The use of SmartDog® is not a replacement for regular human contact throughout the day. You should never leave your dog alone for extended periods of time without making appropriate arrangements for your pet's proper care. For pet care advice, please talk to your vet or a qualified animal behaviourist.

EXHIBIT 74

Super Service Award
Winner

SMART DOGS		
Training In-Home		Lodging In-Home
WE CAN TRAIN ANY DOG!		
CALL US TODAY (630) 701-9730 FREE PHONE CONSULTATION		

Smart Dogs Training and Lodging

We Can Train Any Dog! | 630-701-9730

Navigation

- Home
- About Us
- Services
 - Training & Lodging
 - Presentations & Events
- F.A.Q.s
- Testimonials
- Photos & Videos
 - Smart Dogs at Work
 - Presentations & Events
 - Recent Graduates
 - Videos
 - Previous Graduates
- Blog
- Contact Us
 - Email List

Contact Us

Join Our Email List

Call us today at 630-701-9730
or fill out the form
and we will contact you.

Email Newsletter
Click Here- Join Now

Your Name (required)

Your Email (required)

Your Phone Number (required)

Subject

Your Message

E X B Z

Our mission is to create a healthy, balanced relationship between you and your dog.



Subscribe

Follow Us for free tips!

Picture Gallery



View Our Video

Why Smart Dogs is the Smart Choice!

Smart Dogs is run by licensed and professional dog trainers, has never met a dog they couldn't help, is not a typical dog boarding facility, and will lodge your dog in their happy, healthy, active home environment. Smart Dogs is also family owned and operated.

Affiliations



We can address all of these issues:

Aggression, Barking, Biting, Boundary Control, Car Craziiness, Chewing, Come, Counter Surfing, Destruction, Digging, Doorbell, Down, Fetch, Growling, Hyperactivity, Jumping, Lunging, Marking, Mouthing, Nipping, Phobias, Poop Eating, Potty, Training, Separation, Anxiety, Stay, Treadmill, Whining... and more!

Serving any home within 25 miles of:

Arlington Heights, Aurora, Barrington, Batavia, Burr Ridge, Chicago, Darien, Frankfort, Hanover Park, Highland Park, Hoffman Estates, La Grange, Lemont, Naperville, Northbrook, Oak Brook, Orland Park, Plainfield, Schaumburg, Shorewood, Wheaton

Smart Dogs Training and Lodging © 2014. All Rights Reserved.

We Can Train Any Dog!

EXHIBIT 75


[Login](#) | [Register](#)

 Search this site: [Search](#)
[HOME](#)[SESSIONS WITH SARAH](#)[FORUMS](#)[BLOG](#)[LIBRARY](#)[ABOUT US](#)

Helping You Help Your Dog

Member Pix

 Share: [Facebook](#) [Twitter](#) [Google Plus](#) [LinkedIn](#) [Delicious](#)


Have a Question about Puppy Training?

We can help! Check out our *Books * Video Clips * Library * Forums * Expert Blog * Online Session (effective and fun - Google Chat or Skype) * Phone Sessions * In-home Sessions with Sarah (St. Louis, Mo Area)*

We Help You with all Puppy Problems including:

*Mouthing * Puppy Biting * Not Listening * Puppy Selection * New Puppy/New Rescue Issues * Barking * Coming When Called * Jumping up * Children and Dogs * Multi-Dog Household Issues * Dog and Cat Issues * Pulling on Leash * Possessive Aggression * Fun & Effective Dog and Puppy Training and much more.*

Run by Dog Pro Sarah Wilson

Sarah Wilson, ([wikipedia page](#)) offers experienced-based dog info with humor. Author of nine pet-related books including the best-selling *My Smart Puppy*, *How to Train Your Dog to Come* and *Childproofing Your Dog*, Sarah knows all about dog and puppy training. Seen on PBS *Why We Love Cats and Dogs*, ABC *Good Morning America*, CBS *This Morning*, and trainer of celebrities' dogs (*Harrison Ford*, *Diane Sawyer*, *Candice Bergen*).

Interested in specific dog products, Sarah helps you make the right choice of dog Bed, Toys, Treats, Crates, Gifts, Carriers, and Treadmills and educates all dog lovers at Sarah Wilson, Dog Expert

Follow @MySmartPuppy

SHOP. CONNECT. ENJOY. amazon
All from Earth's biggest selection.

Active Forum Topics

Hey Everybody! Best Threads - Post Links!

Thank you to all the members

The new 4-H club....

Comments will be closed but boards will stay up....

[more](#)

Recent Blogs

Guest Blog from DogToys-Info.com: Indestructible Dog Toys: Three Companies That Guarantee It!

How to Help Hoarding Rescues

Guest Blog: Kuranda - The Chew Proof Dog Bed

3 Great Ways To Help Dogs with Arthritis

Best Tool to Control Dog Shedding

Dog Parks: Good or Bad?

Crate Training: A Canine Life Skill

Predatory Aggression Toward Humans: Dogs that are NOT "Pets"

Stop! You're In a Correction Cycle

GUEST BLOG: Physical Exercise vs Mental Stimulation

[more](#)

What's Hot in the Library

Bringing Your Puppy Home:

The First Few Days

Is This Okay? Typical Interactions between Puppies and Adult Dogs

F.R.A.P. Frenetic Random Activity Periods

Raising Two Puppies at Once

more

Designed by B4PQ, LLC.

© 2011-2013 My Smart Puppy Media, LLC.

[Login](#) [Register](#) [Terms](#) [Privacy](#) [Search](#) [Contact](#)

EXHIBIT 76



General Info

www.OneSmartK9.com

One Smart K-9

[Training](#)
[Facility](#)
[General Info](#)
[Gallery](#)
[Contact Us](#)
[Home](#)

GENERAL INFO

Training Style

One Smart K-9 favors the "Balanced Scale Approach" to train dogs. The process begins with motivational speech to encourage a dog towards the desired command. **Praise** is then given once the command is achieved. Likewise, we teach **No** when a taught command is ignored or with bad behaviors. Once your dog understands **Praise & No** you have a reliable way to communicate with your dog to establish Boundaries, Leadership and Respect.

After a residency program you will notice a calmer, more focused dog with a stronger yearning to be near you, not out of neediness but due to the bonding and leadership you provide through training.

Trainer

Kevin Shellie is the founder and trainer at One Smart K-9. Previously Kevin was an assistant supervisor at Rob Cary Pet Resort, a large boarding and training facility. In this position he oversaw other ken techs, cleaned kennels, prepared meals, and administered medications. While there he acquired great knowledge about caring for dogs and monitoring for changes in behavior.

Kevin continued his education at National K-9, a dog training school recognized internationally and respected as one of the top schools in the nation. After passing written and dog handling tests Kevin received certification recognized by the State of Ohio in the following areas: Basic & Advanced Obedience, Behavior Modification, Retrieval, and Personal Protection.

He then founded One Smart K-9 to help dog owners better understand their canine companion and to prevent senseless abandonment due to behavior issues.

Frequently Asked Questions

At what age can my dog start training?

Puppies should attend a puppy class when they're 8-14 weeks old

Basic obedience can begin at 4 months of age

Off-leash training can begin at 10 months of age

Which vaccinations are required?

All dogs must have Distemper, Hepatitis, Leptospirosis, Parainfluenza, Parvo, Rabies and Bordetella. Coronavirus is highly recommended but not required.

Are you insured?

One Smart K-9 carries specific Dog Training and Boarding Liability Insurance to protect everyone involved for services provided.

Is there really a difference between dog food brands?

Absolutely, there is a huge difference in quality between low cost foods and premium brands. Premium foods are made more consistently with better ingredients, less fillers and less sugar. That means your dog will be better nourished, more energy and a shinier coat. Another benefit is that with better ingredients, comes better digestion and less mess in the yard to pick up.

Any time you switch between dog food brands always do it gradually over the course of 7 days. Dog's digestive systems are different than humans and switching dog foods in one day will cause intestinal upset.



Contact Kevin to discuss your needs:

kevin@onesmark9.com

614-863-9202



Another recommendation is to cycle your dog's food. That means that every year or two you purposely switch to a different protein source as well as a different blend of food. Different companies think that certain ingredients are key to a healthy dog and by switching foods your dog gets some variety and balance across a lifetime.

* If your dog has health concerns please talk with your Veterinarian before switching foods. Those facts need to be taken into consideration when selecting an appropriate food based on your dog's unique nutritional needs.

Do you belong to any organizations?

Kevin is a member of the International Association of Canine Professionals.

This organization is an excellent resource for both dog trainers and owners.

Links

E-Collar Training

www.dogtra.com

www.tritronics.com

www.canineprofessionals.com

EXHIBIT 77

[Home](#) [About Us](#) [Training Services](#) [Testimonials](#) [Contact us](#)

We have dedicated over **20 years** to helping individuals and families successfully train their dogs. Our extensive experience and thorough understanding of the highest levels of dog training allows us, regardless of breed or background, to train your dog to be a **SMART DOG**.

WE OFFER TRAINING FOR PUPPIES AND ADULTS IN

OBEDIENCE | HOUSEBREAKING | PROTECTION | PROBLEM SOLVING
(Barking, Chewing, Digging, Jumping, etc.)

We specialize in training your dog to fit into your lifestyle by teaching him or her to respond to the most common and useful commands for everyday life. We believe that a willing dog is a happy dog, and use motivation and positive reinforcement to teach them how to please.

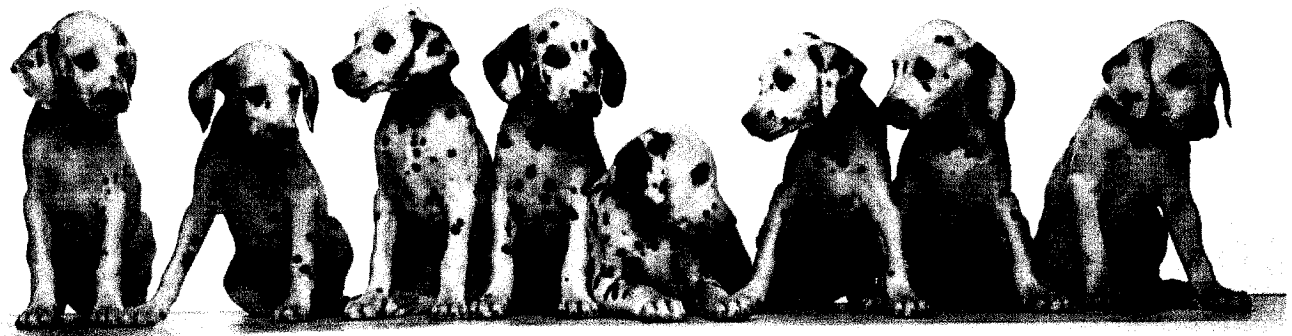


EXHIBIT 78



(<http://www.smartdogsolutions.com>)

Email

(716) 828-0651 (<http://www.smartdogsolutions.com/>)
(mailto:tom@Smartdogtrainer.com)

f (<https://www.facebook.com/SmartDogSolutions>) g+ (<https://plus.google.com>

/107584995449512780948/posts) t (<https://twitter.com/SuperSmartDog>)

(<http://www.youtube.com/user/SmartDogSolutions>)

HOME (<http://www.smartdogsolutions.com>)

ABOUT US (<http://www.smartdogsolutions.com/about-smart-dog-solutions/>)

**INVISIBLE FENCE
ALTERNATIVE**

(<http://www.smartdogsolutions.com/invisible-fence-alternative/>)
TRAINING (<http://www.smartdogsolutions.com/dog-training/>)

BOARDING

SCHOOL (<http://www.smartdogsolutions.com/boarding-school/>)

STORE (<http://www.smartdogsolutions.com/shop>)

BLOG (<http://www.smartdogsolutions.com/article>)



What Your Dog Trainer Isn't Telling You FREE Report

DOWNLOAD NOW

(<http://cdn.smartdogsolutions.com/documents/free-report.pdf>)

TRAINING



All of our training programs are a combination of obedience training and behavior modification or manners training.

LEARN MORE (<http://www.smartdogsolutions.com/dog-training/>)

HIDDEN FENCE SYSTEM



Hidden dog fence with humane training and free lifetime warranty. We proudly use the Pet STOP Professional Fencing.

LEARN MORE (<http://www.smartdogsolutions.com/invisible-fence-alternative//4>)

BOARDING SCHOOL



Your dog is an important family member! We make it our mission to treat every dog like they're our own.

LEARN MORE (<http://www.smartdogsolutions.com/boarding-school/>)

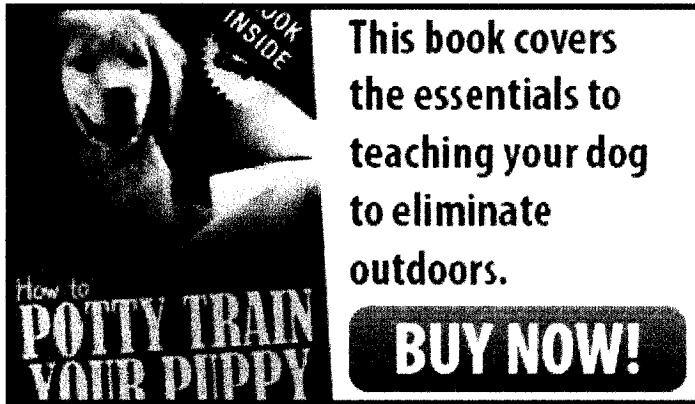
Welcome to Smart Dog Solutions

Online Store

E-Newsletter

Subscribe to The Dog Training E-Newsletter. We provide a monthly newsletter to better inform our customers on the issues they face with their pets.

SUBSCRIBE (<http://www.smartdogsolutions.com/eNewsletter>)



([http://www.smartdogsolutions.com/shop/How-](http://www.smartdogsolutions.com/shop/How-to-Potty-Train-Your-Puppy)

[to-Potty-Train-Your-Puppy](http://www.smartdogsolutions.com/shop/How-to-Potty-Train-Your-Puppy))



(<https://www.facebook.com/SmartDogSolutions>)



(<https://plus.google.com>

[/107584995449512780948/posts](https://www.facebook.com/SmartDogSolutions))



(<https://twitter.com/SuperSmartDog>)



(<http://www.youtube.com>

[/user/SmartDogSolutions](http://www.youtube.com/user/SmartDogSolutions))

© 2013 Smart Dog Solutions. All Rights Reserved. Privacy Policy (</privacy>)

HOME (<http://www.smartdogsolutions.com/>) | ABOUT US (<http://www.smartdogsolutions.com/about-smart-dog-solutions/>) | INVISIBLE FENCE ALTERNATIVE (<http://www.smartdogsolutions.com/invisible-fence-alternative/4>) | TRAINING (<http://www.smartdogsolutions.com/dog-training/>) | BOARDING SCHOOL (<http://www.smartdogsolutions.com/boarding-school/>) | STORE (<http://www.smartdogsolutions.com/shop/>) | BLOG (<http://www.smartdogsolutions.com/article/>)

Buffalo Website Design (<http://www.surdej.com>) by Surdej Web Solutions.

EXHIBIT 79

Generated on: This page was generated by TSDR on 2014-06-05 13:15:56 EDT

Mark: SMART DOG UNIVERSITY



US Serial Number: 78830738

Application Filing Date: Mar. 07, 2006

Filed as TEAS Plus: Yes

Currently TEAS Plus: Yes

Register: Principal

Mark Type: Service Mark

Status: Abandoned because the applicant failed to respond or filed a late response to an Office action. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

Status Date: Aug. 22, 2007

Date Abandoned: Jul. 24, 2007

Mark Information

Mark Literal Elements: SMART DOG UNIVERSITY

Standard Character Claim: No

Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

Description of Mark: The color black appears in the main outline of the dog head as well as the right eye and the wording SMART and UNIVERSITY: the color gold appears in the eyebrow, nose, and mouth of the dog as well as in the word DOG.

Color Drawing: Yes

Color(s) Claimed: The color(s) black and gold is/are claimed as a feature of the mark.

Disclaimer: "DOG"

Design Search Code(s): 03.01.08 - Dogs; Puppies

03.01.24 - Stylized cats, dogs, wolves, foxes, bears, lions, tigers

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: Dog training: No claim is made to the exclusive right to use DOG apart from the mark as shown.

International Class(es): 041 - Primary Class

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

Class Status: ACTIVE

Basis: 1(a)

First Use: Sep. 16, 2005

Use in Commerce: Sep. 26, 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: Smart Dog University, LLC

Owner Address: Box 1111
Mount Airy, MARYLAND 217711111
UNITED STATES

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where MARYLAND
Organized:

Attorney/Correspondence Information

Attorney of Record - None

Correspondent

Correspondent SMART DOG UNIVERSITY LLC
Name/Address: SMART DOG UNIVERSITY LLC
BOX 1111
MOUNT AIRY, MARYLAND 21771-1111
UNITED STATES

Phone: 2408483468

Correspondent e-mail: laurie@smartdoguniversity.com

Correspondent e-mail Yes
Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Aug. 22, 2007	ABANDONMENT NOTICE MAILED - FAILURE TO RESPOND	
Aug. 22, 2007	ABANDONMENT - FAILURE TO RESPOND OR LATE RESPONSE	
Jan. 24, 2007	NON-FINAL ACTION E-MAILED	6325
Jan. 24, 2007	NON-FINAL ACTION WRITTEN	72414
Jan. 03, 2007	TEAS/EMAIL CORRESPONDENCE ENTERED	69350
Jan. 03, 2007	CORRESPONDENCE RECEIVED IN LAW OFFICE	69350
Jan. 03, 2007	ASSIGNED TO LIE	69350
Nov. 27, 2006	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Aug. 24, 2006	NON-FINAL ACTION E-MAILED	6325
Aug. 24, 2006	NON-FINAL ACTION WRITTEN	72414
Aug. 24, 2006	ASSIGNED TO EXAMINER	72414
Mar. 14, 2006	NOTICE OF DESIGN SEARCH CODE MAILED	
Mar. 13, 2006	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information

TM Attorney: LAWRENCE, SUSAN KASTRI

Law Office Assigned: LAW OFFICE 116

File Location

Current Location: TMO LAW OFFICE 116 - EXAMINING
ATTORNEY ASSIGNED

Date in Location: Aug. 22, 2007