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

Proceeding	91254671
Party	Defendant Oliiv LLC
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Submission	Answer
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Attachments	Denial Letter.pdf(153870 bytes ) Shark Slide Sell Sheet.pdf(146110 bytes ) ApplicationDataset.pdf(1255980 bytes ) Patent Receipt.pdf(158160 bytes )

# Denial of Claims

## CEASE AND DESIST LETTER – RESPONSE (DENIAL OF CLAIMS)

Antoinette M. Tease, P.L.L.C,

175 N. 27th Street, Suite 902  
Billings, Montana 59101

RE: Denial of Claims and Affirmative Statement

Dear Ms. Tease

This response is to your cease and desist letter received on the 3rd day of March 2020. Oliiv LLC hereby denies each and every allegation set forth in your cease and desist letter, including but not limited to, the claim that you suggest infringement on the use of your trademark filed under serial number 77698328 with the United States Patent and Trademark Office.

### Affirmative Statement

Olliv LLC has two non-provisional utility patents and one trademark on the PeeWee Waterslide. These claims are denied based on the following.

- Serial number 77698328 is trademarked as PEE WEE (two words all caps).
- Serial number 88660887 is trademarked as PeeWee WATERSLIDE (one word with the addition of waterslide and lower caps).
- Serial number 77698328 is under the following US Class Codes 006 - Common Metals, 018 - Leather Goods, 044 - Medical and Vet Services, 046 Foods and ingredients of foods, 051 Cosmetics and toilet preparations and 051 Cosmetics and toilet preparations. The International Class is 005 - Pharmaceutical, veterinary and sanitary preparations; dietetic substances adapted for medical use, food for babies; plasters, materials for dressings; material for stopping teeth, dental wax; disinfectants; preparations for destroying vermin; fungicides, herbicides. - Pharmaceutical, veterinary and sanitary preparations; dietetic substances adapted for medical use, food for babies; plasters, materials for dressings; material for stopping teeth, dental wax; disinfectants; preparations for destroying vermin; fungicides, herbicides.
- Serial number 88660887 is for International Class is 021 with US class codes, 002, 013, 023, 029, 030, 033, 040, 050.
- Serial number 77698328 is described as: **Pee-Wee unisex urine** bags are great for family road trips, commuters stuck in traffic, aircraft pilots, utility workers on the job, truckers between stops, hunters and fishermen who have to 'go' when normal plumbing facilities are not available. Each package contains 3 individual **Pee-Wee bags**. (This is right off the

amazon.com website and I would caution that the way you have worded Pee-Wee is now an infringement on someone else's trademark as your trademark is PEE WEE).

- The PeeWee Shark Waterslide is not a bag and is not a repository for urine and does not collect urine. The PeeWee Shark Wasterslide is a slide that clips to a toilet (not portable and not a bag, but a slide) that allows pee to slide down into the toilet. It requires a slide and a toilet. It does not have a bag. It is not meant for adult usage. It is a kids potty training toy.
- The PeeWee Shark Wasterslide is for potty training children and is categorized as such.
- The Urine PEE WEE bag is a bag for adults to use in the car or on the road and is categorized as a pharmaceutical product.

For these reasons it has been concluded that the claims made in your cease and desist letter are invalid. For your further review, I have attached a list of the classification code systems that the US Federal Government utilizes, and I have attached the process the USPTO employs during the trademark process. I would suggest reading this and if you have any further concerns on why the trademark for PeeWee Waterslide was granted, please contact USPTO for further information. The USPTO looks at whether a likelihood of confusion would exist as to the source of the goods and/or services rather than whether the actual goods and/or services are likely to be confused. The UPSTO found this is not the case and granted a trademark for the PeeWee Waterslide. In addition to the USPTO's concurrence that there is no confusion, any prudent person would not get confused by an adult bag that is peed into and that has toxic chemicals versus a shark waterslide that mounts onto a toilet and is used for kids potty training. The PeeWee Waterslide is not for sale yet and has zero sales to date.

Sincerely,

A handwritten signature in blue ink that reads "Stephen Green". The signature is written in a cursive, flowing style.

Oliiv LLC

## SHARK PEEWEE WATERSLIDE

**Potty training has never been so fun for boys! Excite your toddler to pee down a shark slide into the toilet, while helping to perfect his aim.**

- The waterslide clips onto the front of toilet and the slide goes down to the back of the toilet. No parts of the slide touch the water or any dirty part of the toilet. Invented by a clean freak mother!
- Clip on and off when not in use. Easier to clean than a potty-training toilet.
- No more urine mess on the floor surrounding the toilet.
- Fits on all toilet seats (oval or round).



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