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

Proceeding no.	91286041
Party	Defendant Gregory B. Cordeiro
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

**Opposition No.: 91286041**

**A Place for Rover, Inc.**

Opposer

v.

**Cordeiro, Gregory B**

Applicant

**APPLICANT'S MOTION IN LIMINE TO EXCLUDE OPPOSER'S ARGUMENTS AND  
EVIDENCE**

I, Gregory B. Cordeiro, the Applicant in the above-mentioned opposition proceeding, respectfully submit this Motion in Limine to seek the exclusion of certain arguments presented by the Opposer, A Place for Rover, Inc., for the following reasons:

**Argument or Evidence to be Excluded:** The Opposer has argued that the term "Rover" should be exclusively associated with pet-related products and services, and any use outside of this domain should be prohibited.

**Legal Basis for Exclusion:** The Opposer's argument is based on an overly narrow interpretation of the term "Rover" and an incorrect understanding of trademark law. This argument is irrelevant to the broader scope of the trademark application and the potential uses of the term.

**Prejudicial Effect:** Allowing the Opposer's argument to stand would unduly prejudice the Applicant by limiting the legitimate uses of a common term that should be available for a wide range of products and services.

**Lack of Relevance:** The Opposer's argument is irrelevant to the case at hand, as it pertains to a narrow interpretation of the term "Rover" that is contrary to established trademark principles.

**Contrary to Rules of Evidence:** The argument made by the Opposer is contrary to the fundamental rules of trademark law, which allow for a broader understanding and use of common terms in the market.

**Requested Relief:** The Applicant respectfully requests the court to exclude the Opposer's argument limiting the use of the term "Rover" to pet-related products and services. This argument is both unfounded and prejudicial to the Applicant's legitimate trademark application.

**Supporting Authorities:**

**Case Law:**

**a. U.S. Supreme Court Case: Park 'N Fly, Inc. v. Dollar Park and Fly, Inc., 469 U.S. 189 (1985)**

This case established that a trademark using common or generic terms can still be protected if it has acquired distinctiveness and secondary meaning in the minds of consumers, emphasizing that common terms can have broader applications.

**b. Federal Circuit Case: In re Dial-A-Mattress Operating Corp., 240 F.3d 1341 (Fed. Cir. 2001)**

This case reiterates the principle that refusal of registration based on a term being descriptive or generic is valid, but a mark using a common term can be registered if it has acquired secondary meaning.

**Relevant Statutes:**

**a. Lanham Act, 15 U.S.C. § 1052(e)**


Section 1052(e) of the Lanham Act denies trademark protection to generic terms that describe the goods or services, emphasizing the importance of distinctiveness in trademarks.

**b. Lanham Act, 15 U.S.C. § 1052(f)**

Section 1052(f) allows for registration on the Principal Register for marks that were initially considered descriptive, but have acquired distinctiveness through use in commerce.

I respectfully request the court to grant this motion in Limine and exclude the Opposer's argument attempting to restrict the use of the term "Rover" to pet-related products and services. This will ensure a fair and just resolution of the opposition proceedings.

Sincerely,



Gregory B. Cordeiro