

ESTTA Tracking number: **ESTTA1159025**

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

Application Serial No.	88063572
Applicant	ANIMAL PHARM CARE USA, INC.

## Notice of Appeal

Notice is hereby given that ANIMAL PHARM CARE USA, INC. appeals to the Trademark Trial and Appeal Board the refusal to register the mark depicted in Application Serial No. 88063572.

Applicant has filed a request for reconsideration of the refusal to register, and requests suspension of the appeal pending consideration of the request by the Examining Attorney.

The refusal to register has been appealed as to the following classes of goods/services:

- Class 003. First Use: 2018/07/17 First Use In Commerce: 2018/07/18  
All goods and services in the class are appealed, namely: (Based on Use) Pet shampoos; non-medicated pet ear cleansers; pet deodorants; pet deodorant sprays; non-medicated liquid pet ear cleansers; non-medicated pet ear cleansing preparations; non-medicated shampoos and cleansing sprays for pets and animals; non-medicated preparations for pets and animals, namely, shampoos; non-medicated shampoos and soap sprays for animals and pets; pet ear cleaners in the form of cleansing solutions; pet ear cleansers, pet fragrance spritzers, pet body sprays, and water-based body sprays for pets; (Based on Intent-to-Use) Pet non-medicated conditioners for grooming pets; pet wipes impregnated with a cleaning preparation; pet non-medicated conditioners in the nature of rinses for grooming; products for pets and animals, namely, conditioners, hair rinses, general purpose ointments not for veterinary use, body creams, body soaps; skin and body topical preparations, namely, lotions and gels for pets and animals; non-medicated skin and fur preparations for pets and animals, namely, soap, conditioners and coat, mane and tail cleaning preparations; none of the foregoing containing ingredients derived from industrial hemp with a delta-9 tetrahydrocannabinol (THC) concentration of more than 0.3 percent on a dry weight basis
- Class 005. First Use: 2018/07/17 First Use In Commerce: 2018/07/17  
All goods and services in the class are appealed, namely: (Based on Use) Pet and animal vitamin and dietary supplements; vitamin and dietary supplements for pets and animals in the form of soft chews; nutritional supplements for pets and animals; dietary, vitamin and nutritional supplements for pets and animals; (Based on Intent-to-Use) Vitamin and dietary supplements for pets and animals in the form of mini bites and crunchy bites; medicated pet ear cleansers; medicated liquid pet ear cleansers; medicated pet ear cleansing preparations; medicated flea and tick shampoos; medicated pet shampoos for skin infections, skin conditions and skin irritations; medicated shampoos for animal skin infections, animal skin conditions and animal skin irritations; medicated pet conditioners for skin infections, skin conditions and skin irritations; medicated conditioners for animal skin infections, animal skin conditions and animal skin irritations; medicated sprays for treating animal skin infections, animal skin conditions and animal skin irritations; medicated pre-moistened wipes for treating animal skin infections, animal skin conditions and animal skin irritations; medicated rinses for treating animal skin infections and animal skin conditions; medicated animal alkaline buffering formulation that cleanses, dries and acts as a preparation for antibiotic therapy; medicated anti-microbial, anti-bacterial and anti-fungal cleansing and drying solution for animals; medicated alkalinity buffer formulation for animals; pet medications for skin irritations, skin infections and skin conditions; medicated pet otic preparations; pre-moistened medicated pet wipes; pet wipes for sanitizing and for neutralizing odors; dermatology products for pets and animals, namely, medicated topical shampoos, shampoos, conditioners, body sprays, anti-inflammatory ointments, medicinal creams for skin care, medicated lotions and anti-inflammatory gels; Topical dermatological preparations for pets and animals, namely, for skin care; medicated, pharmaceutical and dermatological topical preparations for treatment of pet and animal skin conditions; topical health preparations for pets and animals, namely, medicated shampoos, conditioners, conditioners, liniments, medicated skin care preparations in the form of gels, sprays and ointments and medicated hair care preparations for treating dandruff and hair related issues; feed supplement for pets and animals; nutraceuticals for pets and animals for use as a dietary supplement for the benefit of digestion; nutraceuticals for use as a dietary and nutritional supplement for pets and animals; nutraceutic-

als for pets and animals for dietary supplement purposes; pre-moistened medicated pet and animal wipes; pet and animal wipes for sanitizing and for neutralizing odors; medicated otic preparations for treating ear infections; pet shampoos, namely, medicated flea and tick shampoos; pet flushes and wipes impregnated with pharmaceutical preparations for treating skin infections, skin conditions and skin irritants; general purpose ointments for veterinary use; pet treats enhanced with nutraceuticals primarily for dietary purposes; none of the foregoing containing ingredients derived from industrial hemp with a delta-9 tetrahydrocannabinol (THC) concentration of more than 0.3 percent on a dry weight basis or comprised of cannabidiol (CBD)

- Class 031. First Use: 2018/07/17 First Use In Commerce: 2018/07/17  
All goods and services in the class are appealed, namely: (Based on Use) Pet and animal food; pet and animal food in the form of soft chews; edible animal treats; edible pet treats; edible chews for pets and animals in the nature of treats; pet and animal snacks; edible treats for pets and animals; (Based on Intent-to-Use) Pet and animal food in the form of mini bites and crunchy bites; non-medicated dental treats for pets and animals; non-medicated dental pet and animal treats; non-medical dental treats in the nature of non-medicated edible chews for pets and animals; pet treats in the nature of edible pet and animal bones; non-medicated chews and dental treats for pets and animals; none of the foregoing containing ingredients derived from industrial hemp with a delta-9 tetrahydrocannabinol (THC) concentration of more than 0.3 percent on a dry weight basis or comprised of cannabidiol (CBD)
- Class 035. First Use: 2018/07/17 First Use In Commerce: 2018/07/17  
All goods and services in the class are appealed, namely: (Based on Use) On-line retail store and retail store services featuring pet products, pet shampoos, pet hair care products, pet food, pet chews, soft chews, pet supplements, pet vitamins, pet dietary and nutritional supplements, pet chews, edible soft chews, pet treats, pet ear cleaners, pet ear cleansers, pet spritzers, pet deodorants, pet body sprays, pet deodorizers and water-based body sprays for pets; none of the foregoing containing ingredients derived from industrial hemp with a delta-9 tetrahydrocannabinol (THC) concentration of more than 0.3 percent on a dry weight basis or comprised of cannabidiol (CBD); online pet store; retail pet store; private label and reseller services, namely manufacturing and providing pet products to others for sale by others under their brand names and packaging; (Based on Intent-to-Use) On-line retail store and retail store services featuring pet supplies, pet clothing, pet collars, pet tags, pet leashes, pet feeding bowls, pet brushes, pet conditioners, pet medicines, pet medicated and non-medicated skin care products, pet ear cleansing otics, pet wipes, pet medicated shampoos and medicated hair care products, pet mini-bites and crunchy bites, pet dental treats, pet toys, pet crates, pet blankets and beds; none of the foregoing containing ingredients derived from industrial hemp with a delta-9 tetrahydrocannabinol (THC) concentration of more than 0.3 percent on a dry weight basis or comprised of cannabidiol (CBD)

Respectfully submitted,

/Daniel S. Polley/

09/13/2021

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