

ESTTA Tracking number: **ESTTA1039699**

Filing date: **03/03/2020**

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

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Virbac
Granted to Date of previous extension	03/29/2020
Address	1A#RE AVENUE 2065M, L.I.D CARROS, 06516 FRANCE

Attorney information	ELIZABETH K. RUCKI BAKER BOTTS LLP 2001 ROSS AVENUE SUITE 900 DALLAS, TX 75201 UNITED STATES elizabeth.rucki@bakerbotts.com, cecily.porterfield@bakerbotts.com, daltm-dept@bakerbotts.com, paul.reilly@bakerbotts.com 214-953-6500
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Applicant Information

Application No	88231782	Publication date	10/01/2019
Opposition Filing Date	03/03/2020	Opposition Period Ends	03/29/2020
Applicant	Stephen A. Merlo P.O. Box 8621 St. Louis, MO 63126 UNITED STATES		

Goods/Services Affected by Opposition

Class 003. First Use: 2017/07/19 First Use In Commerce: 2017/07/19 All goods and services in the class are opposed, namely: surface cleaner, plant wash, laundry additives for cleaning clothes
Class 005. First Use: 2017/07/19 First Use In Commerce: 2017/07/19 All goods and services in the class are opposed, namely: Hand sanitizer, and air mist sanitizer

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
False suggestion of a connection with persons, living or dead, institutions, beliefs, or national symbols, or brings them into contempt, or disrepute	Trademark Act Section 2(a)

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	1262810	Application Date	02/17/1981
Registration Date	01/03/1984	Foreign Priority Date	NONE
Word Mark	VIRBAC		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 0 First Use In Commerce: 0 VETERINARY PREPARATIONS-NAMELY, ANTIBIOTICS, [VACCINES, DIURETICS,] ANTIPARASITIC PREPARATIONS, PREPARATIONS FOR TREATING INFECTIONS, [ANALGESICS, VITAMINS,] ANTISEPTICS, DISINFECTANTS, [AND HORMONAL PREPARATIONS FOR PROMOTING GROWTH,]		

U.S. Registration No.	2878337	Application Date	05/22/2002
Registration Date	08/31/2004	Foreign Priority Date	NONE
Word Mark	VIRBAC		
Design Mark			
Description of Mark	Color is claimed as a feature of the mark. The mark consists of a blue rectangle (pantone Reflex Blue) with inside an italic upper-case and lower-case white typeface; a little red (pantone 485 C) square dotting the "i"; "Virbac" is underlined by a red line (pantone 485 C) tapered at the ends.		
Goods/Services	<p>Class 005. First use: First Use: 0 First Use In Commerce: 0 Veterinary and sanitary products and substances, namely vaccines, antibiotics, medicated dermatological preparations, anti-parasitics, anti-inflammatories, hormones and preparations for the suppression of hormones, eye drops, topical anesthetics, anti-infectives, anti-bacterial pharmaceuticals and antiseptics; medicated mouthwash, lozenges and toothpaste for veterinary use; dietetic products and substances adapted for medical use, namely, nutritional supplements; disinfectants for veterinary use; preparations for destroying vermin; fungicides and herbicides for domestics use</p> <p>Class 038. First use: First Use: 0 First Use In Commerce: 0 [Telecommunications services, namely, personal communications services; electronic mail services; providing connections to a global computer network for</p>		

	the transmission of data and access to web sites; electronic transmission of data, images and documents by computer terminals; providing information about telecommunication services; providing multiple user dial-up and dedicated access to the Internet] Class 044. First use: First Use: 0 First Use In Commerce: 0 Veterinary services
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U.S. Registration No.	4093340	Application Date	04/12/2011
Registration Date	01/31/2012	Foreign Priority Date	NONE
Word Mark	VIRBAC		
Design Mark			
Description of Mark	The mark consists of the word "VIRBAC" in white with a red square as the dot of the letter "i" and a red line tapered at the ends beneath with a blue rectangular background that is outlined in white. The black outline is not a feature of the mark and merely represents the placement of the white outline.		
Goods/Services	Class 041. First use: First Use: 2003/08/00 First Use In Commerce: 2003/08/00 Education services, namely, providing training in the nature of classes, conferences and workshops for specialists in the field of animal health Class 044. First use: First Use: 2003/08/00 First Use In Commerce: 2003/08/00 Providing online information to veterinaries regarding veterinary care, medicine and animal health in the field of veterinary services		

U.S. Registration No.	4651302	Application Date	05/28/2013
Registration Date	12/09/2014	Foreign Priority Date	NONE
Word Mark	VIRBACEF		

Design Mark	VIRBACEF
Description of Mark	NONE
Goods/Services	Class 005. First use: First Use: 0 First Use In Commerce: 0 Broad spectrum antibiotic, namely, ceftiofur sodium, for use in cattle, swine, sheep, goats, horses, day-old chicken and day-old turkey polts

U.S. Registration No.	4763407	Application Date	08/07/2014
Registration Date	06/30/2015	Foreign Priority Date	04/09/2014
Word Mark	VIRBAC SHAPING THE FUTURE OF ANIMAL HEALTH		
Design Mark	<p>VIRBAC SHAPING THE FUTURE OF ANIMAL HEALTH</p>		
Description of Mark	NONE		
Goods/Services	<p>Class 005. First use: First Use: 0 First Use In Commerce: 0 Veterinary preparations, namely, vaccines, antibiotics, medicated dermatological preparations, anti-parasitics, anti-inflammatories, hormones and preparations for the suppression of hormones, eye drops, topical anesthetics, anti-infectives, anti-bacterial pharmaceuticals and antiseptics for domestic animals and live-stock; Sanitary preparations for veterinary purposes; Dietetic substances in the nature of nutritional supplements for animal nutrition; All-purpose disinfectants; Preparations for killing weeds and destroying vermin; Vaccines for veterinary use</p> <p>Class 035. First use: First Use: 0 First Use In Commerce: 0 Advertising; Business management; Business administration; Office functions; Arranging newspaper subscriptions for others; Arranging subscriptions to tele-communication services for others; Business management and organization consultancy; Providing business information via a website; Computerised file management; Business efficiency expert services; Demonstration of goods</p> <p>Class 044. First use: First Use: 0 First Use In Commerce: 0 Veterinary services</p>		

Attachments	76411691#TMSN.png(bytes) 85292924#TMSN.png(bytes) 85943837#TMSN.png(bytes) 86360245#TMSN.png(bytes) VIBAC 88231782 - Notice of Opposition with Exhibits.pdf(1870610 bytes)
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Signature	/Paul J. Reilly/
Name	Paul J. Reilly
Date	03/03/2020

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