

ESTTA Tracking number: **ESTTA1194108**

Filing date: **03/02/2022**

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	Mars, Incorporated
Granted to date of previous extension	03/02/2022
Address	6885 ELM STREET MCLEAN, VA 22101 UNITED STATES

Attorney information	ROSS Q. PANKO ARENTFOX SCHIFF LLP 1717 K STREET NW WASHINGTON, DC 20006 UNITED STATES Primary email: tmddocket@afslaw.com Secondary email(s): ross.panko@afslaw.com , diana.bae@afslaw.com , craig.horak@afslaw.com , tmddocket@arentfox.com 2028576000
Docket no.	037489.00074

Applicant information

Application no.	90560822	Publication date	11/02/2021
Opposition filing date	03/02/2022	Opposition period ends	03/02/2022
Applicant	Big Dogs Rule LLC 5785 CAPE HARBOUR DR SUITE 205 CAPE CORAL, FL 33914 UNITED STATES		

Goods/services affected by opposition

Class 035. First Use: Jan 5, 2020 First Use In Commerce: Jan 5, 2020 All goods and services in the class are opposed, namely: On-line retail gift shops
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Grounds for opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
Dilution by blurring	Trademark Act Sections 2 and 43(c)

Marks cited by opposer as basis for opposition

U.S. registration no.	2969041	Application date	11/20/2000
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Register	Principal		
Registration date	07/19/2005	Foreign priority date	NONE
Word mark	DOGS RULE		
Design mark	<p>DOGS RULE</p>		
Description of mark	NONE		
Goods/services	<p>Class 018. First use: First Use: Dec 7, 2004 First Use In Commerce: Dec 7, 2004 ANIMAL LEASHES, ANIMAL COLLARS [, PET GARMENTS AND PET BLANKETS]</p> <p>Class 020. First use: First Use: Nov 30, 1998 First Use In Commerce: Nov 30, 1998 [PICTURE FRAMES AND PORTABLE BEDS FOR PETS]</p> <p>Class 021. First use: First Use: Dec 7, 2004 First Use In Commerce: Dec 7, 2004 MUGS [AND BOWLS]</p> <p>Class 031. First use: First Use: Dec 7, 2004 First Use In Commerce: Dec 7, 2004 DOG TREATS</p> <p>Class 035. First use: First Use: Dec 7, 2004 First Use In Commerce: Dec 7, 2004 RETAIL STORE SERVICES IN THE FIELD OF PET-THEMED CLOTHING, [PET-THEMED DESK ACCESSORIES, PET TREATS] AND PET ACCESSORIES</p>		
U.S. registration no.	2565746	Application date	09/27/1999
Register	Principal		
Registration date	04/30/2002	Foreign priority date	NONE
Word mark	DOGS RULE		

Design mark	DOGS RULE
Description of mark	NONE
Goods/services	Class 025. First use: First Use: Apr 27, 2001 First Use In Commerce: Apr 27, 2001 T-shirts, shirts, [pants,] coats, [shorts, sleepwear, skirts, sweat suits, socks,] bandanas, [swimwear, shoes, jeans, gloves,] jackets [, ties,] hats, [blouses, sweaters, slippers, vests, dresses, overalls,] tops [, bottoms, warm-up suits]

U.S. registration no.	4380460	Application date	10/29/2009
Register	Principal		
Registration date	08/06/2013	Foreign priority date	NONE
Word mark	DOGS RULE		
Design mark	DOGS RULE		
Description of mark	NONE		
Goods/services	Class 028. First use: First Use: 2010 First Use In Commerce: 2010 flying discs		

U.S. registration no.	3861379	Application date	06/27/2008
Register	Principal		
Registration date	10/12/2010	Foreign priority date	NONE
Word mark	DOGS RULE		

Design mark	<h1>DOGS RULE</h1>
Description of mark	NONE
Goods/services	Class 031. First use: First Use: Sep 2006 First Use In Commerce: Sep 2006 Pet food

U.S. registration no.	6009719	Application date	08/21/2019
Register	Principal		
Registration date	03/10/2020	Foreign priority date	NONE
Word mark	DOGS RULE.		
Design mark	<h1>Dogs rule.</h1>		
Description of mark	NONE		
Goods/services	Class 036. First use: First Use: Feb 28, 2018 First Use In Commerce: Feb 28, 2018 Charitable fundraising services; Providing grants for shelters and rescues to help increase dog adoption rates		

Attachments	76168555#TMSN.png(bytes) 75790223#TMSN.png(bytes) 77860604#TMSN.png(bytes) 77510126#TMSN.png(bytes) 88587347#TMSN.png(bytes) BIG DOGS RULE notice of opposition.pdf(1486342 bytes)
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Signature	/Ross Q. Panko/
Name	Ross Q. Panko
Date	03/02/2022

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

In re Application No. 90/560822 for the mark BIG DOGS RULE, filed March 4, 2021 and published November 2, 2021.

MARS, INCORPORATED,)	
)	
Opposer,)	
)	
v.)	Opp. No. _____
)	
BIG DOGS RULE LLC)	
)	
Applicant.)	
_____)	

NOTICE OF OPPOSITION

Mars, Incorporated (“Opposer”), a corporation duly organized and existing under the laws of the State of Delaware, having a place of business at 6885 Elm Street, McLean, Virginia 22101, believes that it will be damaged by the registration of the mark shown in Application Serial No. 90/560822 (the “Application”) and hereby opposes the same under the provisions of Section 13 of the Trademark Act of 1946, 15 U.S.C. §1063.

As grounds for opposition, Opposer alleges the following:

1. Opposer is the owner of all right, title, and interest in and to marks consisting of the wording “DOGS RULE,” including the marks “DOGS RULE” (without a period) and “DOGS RULE.” (with a period after the word “RULE”) (collectively the “DOGS RULE.® Mark”). , which Opposer uses in connection with a variety of pet-related goods and services, including pet food, pet merchandise and accessories, apparel, and online retail store services featuring pet merchandise and accessories.

2. Opposer owns numerous federal registrations for the DOGS RULE.® Mark issued by the United States Patent and Trademark Office, including the following:

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