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In Re: U.S. TRADEMARK APPLICATION NO. 88220489 - MARK: MYLO

Dear Ms. Eissenstat:

In response to the Examining Attorney's Office Action, 88220489 - MARK: MYLO ("Applicant") submits the following information:

SUMMARY OF ISSUES:

1. Section 2(d) Refusal – Likelihood of Confusion

Likelihood of Confusion Refusal

The Examining Attorney has refused registration under Lanham Act Section 2(d) by stating that Applicant's MYLO mark, when used on or in connection the listed goods "005: Dietary supplements for pets; Dietary pet supplements in the form of pet treats; Dietary supplements for pets; Nutritional supplements for dogs" so resemble the following marks in U.S. Registration as to be likely to cause confusion, or to cause mistake, or to deceive.

- Registration No. 5326610 - MILO & MISTY (Word Mark) "IC 005. G & S: Amino acids for veterinary purposes; anti-parasitic collars for animals; bacterial preparations for medical and veterinary use; bacteriological preparations for medical and veterinary use; biological tissue cultures for veterinary purposes; chemical reagents for medical or veterinary purposes; preparations for destroying noxious animals; preparations for destroying mice; diagnostic preparations for veterinary purposes; diapers for pets; dietary supplements for animals; enzyme preparations for veterinary purposes; enzymes for veterinary purposes; fly catching paper; fly glue; fly catching adhesives; fly destroying preparations; greases for veterinary purposes; medicated lotions for the skin for veterinary purposes; medicated animal feed; nutritive substances for microorganisms for medical use; rat poison; reagent paper for medical or veterinary purposes; insect repellents for dogs; slug exterminating preparations; Preparations of trace elements in the nature of mineral supplements for human and animal use; Preparations for destroying vermin, in particular, flea and tick collars and flea sprays, powders and shampoos; vermin powders and general sprays for destroying vermin; Vitamin preparations in the form of pastes, drops, lozenges and granules; Vitamins; Vitamins in the nature of beer yeast and garlic tablets, all for animals; Tick removers, namely, tick removal powders; Repellents, namely, insect repellents; Disinfectants; fungicides; herbicides."
- Registration No. 5294881 - FILO & MYLO (Design Mark) "IC 031 - Edible dog treats"
- Registration No. 5614411 – MILOFISH (Design Mark) "IC 005 - Air purifying preparations; Bacteriological culture mediums; Chemical conductors for electrocardiograph electrodes; Chemical reagents for medical

or veterinary purposes; Diapers for pets; Dietetic foods adapted for medical purposes; Disinfectants; Disinfectants for hygiene purposes; Food for babies; Herbal supplements; Herbs for medicinal purposes; Medicinal herbs; Napkins for incontinent; Oxygen for medical use; Pesticides; Radioactive substances for medical purposes; Sanitary pads; Sanitary pants; Semen for artificial insemination; Solutions for contact lenses”

The Examining Attorney generally must consider a two-part test to determine whether a likelihood of confusion exists. First, the trademarks in their entireties are compared for similarities in appearance, sound, connotation and commercial impression. In re E.I. DuPont de Nemours & Co., 476 F.2d 1357, 177 USPQ 563 (CCPA 1973). Second, the Examining Attorney must compare the goods and services to determine if they are related or if the activities surrounding their marketing are such that confusion as to origin is likely. In re August Storck KG, 218 USPQ 823 (TTAB 1983); In re International Telephone and Telegraph Corp., 197 USPQ 910 (TTAB 1978); Guardian Products Co. v. Scott Paper Co., 200 USPQ 738 (TTAB 1978).

In regard to the cited registration, Applicant submits that after a thorough analysis of the DuPont factors there is no likelihood of confusion between Applicant’s MYLO and MILO & MISTY, FILO & MYLO, and MILOFISH.

Comparison of the Marks - The Trademarks are Dissimilar

It has long been recognized that marks must be compared in their entireties to determine likelihood of confusion since likelihood of confusion depends on the overall impression of the marks. Trademark Act Section 2(d), TMEP §§1207.01. Therefore, it follows that: (1) marks should not be dissected, and no feature of a mark should be ignored. (In re Hearst Corp., 982 F.2d 493, 494); and (2) a side-by-side comparison is not the proper test if the products are not usually sold in such a manner. Rather, the proper inquiry is whether the marks are sufficiently similar to cause confusion among consumers who may not have both marks in front of them at the same time.

Whether a likelihood of confusion exists is a question of law, based on underlying factual determinations. (See Lloyd's Food Prods., Inc. v. Eli's, Inc., 987 F.2d 766, 767, 25 USPQ2d 2027, 2028 (Fed. Cir. 1993)); (Kenner Parker Toys Inc. v. Rose Art Indus., Inc., 963 F.2d 350, 352, 22 USPQ2d 1453, 1455 (Fed. Cir. 1992)). It is determined on a case-specific basis, applying the factors set out in In re E. I. DuPont DeNemours & Co., 476 F.2d 1357, 1361, 177 USPQ 563, 567 (CCPA 1973) (enumerating factors that may be considered when relevant evidence is of record). The DuPont factors are: (1) the similarity or dissimilarity of the marks in their entireties as to appearance, sound, connotation and commercial impression; (2) the similarity or dissimilarity and nature of the goods or services as described in an application or registration or in connection with which a prior mark is in use; (3) the similarity or dissimilarity of established, likely-to-continue trade channels; (4) the conditions under which and buyers to whom sales are made, i.e., "impulse" vs. careful, sophisticated purchasing; (5) the fame of the prior mark (sales, advertising, length of use); (6) the number and nature of similar marks in use on similar goods; (7) the nature and extent of any actual confusion; (8) the length of time during and conditions under which there has been concurrent use without evidence of actual confusion; (9) the variety of goods on which a mark is or is not used (house mark, "family" mark, product mark); (10) the market interface between applicant and the owner of a prior mark; (11) the extent to which applicant has a right to exclude others from use of its mark on its goods; (12) the extent of potential confusion, i.e., whether de minimis or substantial; and (13) any other established fact probative of the effect of use.

To determine whether the Applicant’s mark " MYLO" is confusingly similar to MILO & MISTY, FILO & MYLO, and MILOFISH Examining Attorney noted that “the applied-for mark MYLO is similar in sound, appearance and

meaning to the registered mark MILO & MISTY, FILO & MYLO, and MILOFISH because the applied-for mark contains the wording MYLO which is phonetically equivalent to the registered marks. Although marks are compared in their entireties, one feature of a mark may be more significant or dominant in creating a commercial impression.”

In the present case, while “MYLO” and “MILO & MISTY, FILO & MYLO, and MILOFISH” both contain one word which may sound similar phonetically, the word MYLO/MILO, are materially different when comparing the trademarks against each other.

- MILO & MISTY, Here MYLO and MILO & MISTY are completely different. On one hand, applicant is MYLO and registrant is MILO, the mere fact that these two words sound phonically similar is not strong enough evidence to refuse applicant’s application. There are an enormous amount of trademarks in the USPTO databases that sound similar. Furthermore, MILO & MISTY is two words when compared to Applicant’s one-word brand. Consumers would definitely be able to tell these two brands apart. 1. The spelling of MILO/MYLO is different and 2. One has MISTY one doesn’t. When we take examples throughout history, when a brand has two names put together people associate that brand with the two names. Example: Siegfried & Roy, the white tiger trainers at the Mirage in Las Vegas. When consumers or guests hear Siegfried & Roy, they know they will see a white tiger show. If they see a headline of just Roy, consumers, would not expect to see white tigers. In this instance, consumers who see MYLO would definitely not confuse MYLO with MILO & MISTY, the brands are too dissimilar.
- FILO & MYLO, here, MYLO and FILO & MYLO are completely different. While they both contain the word MYLO, examining attorney has stated in her other refusal of applicant’s registration that “Consumers are generally more inclined to focus on the first word, prefix, or syllable in any trademark or service mark.” Here in this instance, Registrant’s first word is FILO not MYLO, therefore according to examining attorney’s reasoning, consumers would not confuse the two brands since the first word of Registrant is not MYLO. Furthermore, Registrant’s brand is FILO & MYLO, this is a two-word brand while Applicant’s registration is only one word. Thus, consumers would be able to distinguish the brands. Furthermore, Registrant has a cute smiling dog as a logo.
- MILOFISH, Here MYLO and MILOFISH are completely different. Registrant has a FISH associated with its brand, also the words MILO and MYLO are spelled differently. While they both sound similar, they are different. Consumers would not associate MYLO with MILOFISH, that is a far stretch. Furthermore, Registrant has Japanese Kanji characters on its logo.

Thus, we believe that no likelihood of confusion exists between applicant’s “MYLO” with the prior registration for “MILO & MISTY, FILO & MYLO, and MILOFISH”. The mere fact that two trademarks contain a common sounding element does not in itself create a likelihood of confusion. This is true even if the trademarks at issue are used in relation to identical goods and services. For example, the following trademarks with common elements were held not to be confusingly similar despite the fact that the trademarks are used in relation to the same goods and services:

- (1) GLIDE (dental floss) and EASY GLIDE (dental floss);
- (2) CRISTAL (alcoholic beverage) and CRYSTAL CREEK (alcoholic beverage);
- (3) WIZZ (garden tool) and GEE WHIZ (garden tool);
- (4) BOBBERS (for fish) CATFISH BOBBERS (restaurant services); and
- (5) VARGAS (calendars) and VARGA GIRL (calendars).

W.L. Gore & Assoc. v. Johnson & Johnson, 882 F. Supp. 1454, 36 U.S.P.Q.2d 1552 (D. Del. 1995); Champagne Louis Roederer S.A. v. Delicato Vineyards, 148 F.3d 1373, 4714 U.S.P.Q.2d 59 (Fed. Cir. 1998); J. Wiss & Sons Co.

v. Gee Whiz Tool Corp., 364 F.2d 910, 150 U.S.P.Q. 583 (6th Cir. 1966); In re Farm Fresh Catfish Co., 231 U.S.P.Q. 495 (T.T.A.B. 1986); In re Hearst Corp., 982 F.2d 494, 25 U.S.P.Q. 2d (BNA) 1238 (Fed. Cir. 1992).

Comparison of Goods – The Goods are Dissimilar.

In the present case, Applicant's MYLO and Registrant's MILO & MISTY, FILO & MYLO, and MILOFISH have vastly different goods. Applicant's registration is in class 005 - Dietary supplements for pets; Dietary pet supplements in the form of pet treats; Dietary supplements for pets; Nutritional supplements for dogs.

MILO & MISTY – class 005 - Amino acids for veterinary purposes; anti-parasitic collars for animals; bacterial preparations for medical and veterinary use; bacteriological preparations for medical and veterinary use; biological tissue cultures for veterinary purposes; chemical reagents for medical or veterinary purposes; preparations for destroying noxious animals; preparations for destroying mice; diagnostic preparations for veterinary purposes; diapers for pets; dietary supplements for animals; enzyme preparations for veterinary purposes; enzymes for veterinary purposes; fly catching paper; fly glue; fly catching adhesives; fly destroying preparations; greases for veterinary purposes; medicated lotions for the skin for veterinary purposes; medicated animal feed; nutritive substances for microorganisms for medical use; rat poison; reagent paper for medical or veterinary purposes; insect repellents for dogs; slug exterminating preparations; Preparations of trace elements in the nature of mineral supplements for human and animal use; Preparations for destroying vermin, in particular, flea and tick collars and flea sprays, powders and shampoos; vermin powders and general sprays for destroying vermin; Vitamin preparations in the form of pastes, drops, lozenges and granules; Vitamins; Vitamins in the nature of beer yeast and garlic tablets, all for animals; Tick removers, namely, tick removal powders; Repellents, namely, insect repellents; Disinfectants; fungicides; herbicides. Here while both Applicant and Registrant are in class 005, the type of goods is completely different. The registrant registered its brand for veterinary purposes. Its clear that the registrant is in the business of vet supplies and not dietary supplements. Here applicant is registering for dietary supplements to help pets get the nutrition it needs. The goods in comparison are different.

FILO & MYLO – Class 031 - Edible dog treats. Here Registrant wasn't looking to produce any dietary supplements, Registrant is producing treats and dog food. Furthermore, Registrant registered in class 031, if Registrant wanted to protect its brand in class 005, Registrant should have done so. Classes exist to separate goods for a reason, the reason is goods in different classes have their own distinctiveness. Here, class 005 and class 031 are two different classes, thus it should be treated as such.

MILOFISH – Class 005 - Air purifying preparations; Bacteriological culture mediums; Chemical conductors for electrocardiograph electrodes; Chemical reagents for medical or veterinary purposes; Diapers for pets; Dietetic foods adapted for medical purposes; Disinfectants; Disinfectants for hygiene purposes; Food for babies; Herbal supplements; Herbs for medicinal purposes; Medicinal herbs; Napkins for incontinent; Oxygen for medical use; Pesticides; Radioactive substances for medical purposes; Sanitary pads; Sanitary pants; Semen for artificial insemination; Solutions for contact lenses. Here while both Applicant and Registrant are in class 005, the type of goods is completely different. The registrant registered its brand for medical purposes. Applicant is seeking to register MYLO for dietary supplements and not semen for artificial insemination as covered by the registrant. The type of goods from applicant and registrant do not cross with each other. While they are both in Class 005 the fact that the goods are vastly dissimilar is enough to allow applicant to register its mark.

The Marks are Not Similar in their Overall Commercial Impressions as to Cause Likelihood of Confusion

Considering that the trademarks are visually different, with significantly different type of goods, and that they have different commercial impressions, there is no likelihood of confusion between the trademarks. (Please see Exhibits). Therefore, based on the differences between the way Applicant and Registrant use their marks, commercial impression is very different, and the first Du Pont Factor should be found in favor of the Applicant.

The Marks Must Be Viewed In Its Entirety

With all due respect, it is well established that "likelihood of confusion cannot be predicated on dissection of a mark ... the ultimate conclusion rests on consideration of the marks in their entireties." In re National Data Cmp., 224 USPQ 749, 751 (Fed. Cir. 1985); TMEP 1207.01(b)(iv). The initial examination, however, appears to have only examined the similar word portions of the marks, instead of the marks on a whole, and the different goods the Applicant has.

Applicant's Mark Is Visually Different Than Registrant's Mark

The substantial amount of visual differences, especially in light of the different goods and channels, allows consumers to easily distinguish the marks and avoid confusion. See Land-O-Nod Co. v. Paulis, 220 USPQ 61 (TTAB 1983) (holding that CHIRO-MATIC and CHIROPRACTIC are not confusingly similar as applied to identical goods); In re General Electric Co., 134 USPQ 190,191 (CCPA 1962) (holding that VULKENE and VULKAN are not confusingly similar for the "same goods").

Even if the marks are found to be visually or aurally similar, one factor of similarity is not determinative in a likelihood of confusion analysis. "Similarity of the marks in one respect sight, sound or meaning- will not automatically result in a finding of likelihood of confusion even if the goods are identical or closely related." In re Lamson Oil Co., 6 USPQ 2d 1041, 1043 (TTAB 1987). See also TMEP 1207.01(b)(i). More important, one mark's phonetic similarity to another mark is not dispositive in a likelihood of confusion analysis. See Standard Brands, Inc. v. Eastern Shore Canning Co., 172 F.2d 144, 146 (4th Cir. 1949) (finding that the "phonetic similarity of the two marks cannot prevail" in a trademark infringement analysis when there is no evidence of actual confusion between the marks V8 and VA); In re Sears, Roebuck and Co., 2 USPQ2d 1312, 1320 (TTAB 1987) (reversing the refusal to register CROSS-OVER for bras and CROSSOVER for ladies' sportswear); Blue Man Productions v. Erich Tarmann, 75 USPQ2d 1811, 1849 (TTAB 2005) (finding no likelihood of confusion between the marks BLUEMAN and BLUE MAN GROUP). This is especially true when the way consumers encounter a mark obviates the one respect in which two marks are similar.

Previous Marks Granted With Much More Similar Names

Previous Trademark Applications have been granted Registration over prior Registered Trademark where the mark and/or the applied for services were much more similar to each other than is found between Applicant's mark and the Registrant's mark. For example, the following four Registered U.S. Trademark Nos. 3,113,039 for "VEX", 3,581,344 for "HI-VEX", and 1,240,921 for "SOL VEX", each of which includes goods in International Class 009, all include the characters "V-E-X." Because all four of these Trademarks coexist, the Trademark Office concluded that they are not confusingly similar to each other. In other words, "VEX" was found to be not confusingly similar to "SOL VEX" and "HI-VEX" and vice versa. If there is no consumer confusion between "VEX," "HI-VEX," and "SOL VEX," all of which are much more similar to each other than the present matter, then the above is additional evidence that weighs in favor of finding that Applicant's Mark and the Registrant's Marks are not likely to cause consumer confusion.

Furthermore, examining attorney should look towards current registrations in regards to ARKADIA and ARCADIA, mainly Registration Number: 4046412 (Standard Character Mark) and Registration Number: 3571183 (Standard Character Mark) which both occupy Class 043 and Registration Number: 5126392 (Standard Character Mark) and Registration Number: 4328085 (Standard Character Mark) which both occupy class 009.

Doubts Must Be Resolved In Applicant's Favor.

For the above-stated reasons, it is unlikely that the co-existence of the Applicant's mark and Registrants' mark will lead to consumer confusion. At a minimum, Applicant has raised clear doubts about whether the marks are confusingly similar. The law states that doubts "should be resolved in Applicant's behalf...." In re Aid Laboratories Inc. 221 USPQ 1215, 1216 (TTAB 1993) (PEST PRUF not merely descriptive for animal shampoo with insecticide); In re American Hospital Supply Corp., 219 USPQ 949 (TTAB 1983); In re Gourmet Bakers. Inc., 173 USPQ 565 (TTAB 1972). See also In re Morton-Norwich Products, Inc., 209 USPQ 791 (TTAB 1981); and In re Grand Metropolitan Foodservice Inc., 30 USPQ2d 1974, 1976 (TTAB 1994).

Applicant, therefore, respectfully requests that the Examiner withdraw the Section 2(d) refusal of Applicant's application and allow the application to proceed with registration.

SUMMARY

Applicant requests that the Examining Attorney: withdraw the 2(d) refusal and approve the Application for publication. We welcome an opportunity to discuss this matter further with the Examining Attorney. Please advise us if we can provide any further information that will facilitate the publication and registration of the mark.

Sincerely,

Fang L. Chen

Fang Chen

mylo

Word Mark	MYLO
Goods and Services	IC 005. US 006 018 044 046 051 052. G & S: Dietary supplements for pets; Dietary pet supplements in the form of pet treats; Dietary supplements for pets; Nutritional supplements for dogs. FIRST USE: 20171129. FIRST USE IN COMMERCE: 20171129
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	88220489
Filing Date	December 7, 2018
Current Basis	1A
Original Filing Basis	1A
Owner	(APPLICANT) Fang Chen INDIVIDUAL UNITED STATES 675 Brea Canyon Rd Suite #9 675 Brea Canyon Rd Suite #9 Walnut CALIFORNIA 91789
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

MILO & MISTY

Word Mark MILO & MISTY

Goods and Services

IC 005. US 008 018 044 046 051 052. G & S: Amino acids for veterinary purposes; anti-parasitic collars for animals; bacterial preparations for medical and veterinary use; bacteriological preparations for medical and veterinary use; biological tissue cultures for veterinary purposes; chemical reagents for medical or veterinary purposes; preparations for destroying noxious animals; preparations for destroying mice; diagnostic preparations for veterinary purposes; diapers for pets; dietary supplements for animals; enzyme preparations for veterinary purposes; enzymes for veterinary purposes; fly catching paper; fly glue; fly catching adhesives; fly destroying preparations; greases for veterinary purposes; medicated lotions for the skin for veterinary purposes; medicated animal feed; nutritive substances for microorganisms for medical use; rat poison; reagent paper for medical or veterinary purposes; insect repellents for dogs; slug exterminating preparations; Preparations of trace elements in the nature of mineral supplements for human and animal use; Preparations for destroying vermin, in particular, flea and tick collars and flea sprays, powders and shampoos; vermin powders and general sprays for destroying vermin; Vitamin preparations in the form of pastes, drops, lozenges and granules; Vitamins; Vitamins in the nature of beer yeast and garlic tablets, all for animals; Tick removers, namely, tick removal powders; Repellents, namely, insect repellents; Disinfectants; fungicides; herbicides

IC 006. US 002 012 013 014 023 025 050. G & S: Bands of metal for tying-up purposes; Wrapping or binding bands of metal; Barbed wire; Bars for metal railings; Metal bells for animals; Metal bird baths; Metal cages for wild animals; Metal cattle chains; Chains of metal; Chicken-houses of metal; Flanges of metal; Horseshoe nails; Insect screens of metal; Metal padlocks; Modular pigsties of metal; Fasteners of metal, namely, metal hooks, metal diamos, metal expanding sleeves for affixing screws, and threaded metal rods, all of the foregoing for fastening animal protection nets; Metal wall clamps; Metal railing clamps; Metal safety guard rails for pivot-hung windows; Ramos of metal, not fitted, being access aids for automobiles; Warning signs of metal, non-luminous and non-mechanical; Aviaries of metal; Transportable buildings and fences of metal, namely, run enclosures and run enclosures for small animals of metal; modular metal stables for small animals

IC 008. US 023 028 044. G & S: Hand-operated agricultural implements, namely, broadforks, blades for manually-operated tools, and border shears; Branding irons; Cattle shears; Hand-operated cutting tools; Hand-operated hair clippers for animals; Hand-operated livestock and cattle marking tools, namely, branding irons; Nail clippers, electric or non-electric; Shear blades; Shearers, namely, shears; Dog clippers; Trimmers, namely, hair trimmers; Hand tools, namely, spreading shovels

IC 009. US 021 023 026 036 038. G & S: Signal bells; Electric locks; Nets for protection against accidents; Observation instruments, namely, observation rockets; Safety nets; Life nets; Safety restraints, other than for vehicle seats and sports equipment; Testing apparatus in the nature of testing sample collection equipment, namely, wipes and swabs for use in diagnostic testing, not for medical purposes; Safety vests for dog handlers; Thermometers not for medical purposes; Clickers for giving signals to dogs for training purposes; safety clothing vests for dogs to protect body, protective boots for dogs and cats to protect feet, protective pants for animals to protect legs

IC 012. US 019 021 023 031 035 044. G & S: Car belts in the nature of vehicle seat belts for animals; Booster seats for use in vehicles for animals; Pet barriers specially adapted for vehicles; Kennel carts specially adapted for vehicles; Bicycle trailers; Baskets adapted for cycles; Bags for bicycles; Boxes specially adapted for bicycles; Car seats for animals; Fitted netting specially adapted for partitioning the luggage area from the back seat in motor vehicles; Safety belts for animals for vehicle seats; Dog barriers specially adapted for motor vehicles; Fitted safety guards of plastic specially adapted for automobile windows

IC 018. US 001 002 003 022 041. G & S: Bits for animals; Blinkers; Blinders; Bridles; Collars for animals; Covers for animals; Clothing for pets; Covers for horse-saddles; Saddle cloths for horses; Fastenings for saddles; Harness straps; Harness traces; Harness fittings; Haversacks; Horse collars; Horse blankets; Horseshoes; Knee-pads for horses; nose bags for horses, pads for horse saddles, reins, riding saddles, saddle, straps of leather; whips, leashes of leather and nylon for animals, in particular tracking leashes, namely leashes which can be controlled by handlers without using the hands; Leashes for animals, namely, bicycle and jogging leashes for animals, training leashes for animals, extension leashes for animals, and show leashes for animals; biker sets, namely, leashes for handling animals on bicycles, consisting of spacers and leashes, collars, harnesses, muzzles, chain leashes, chain collars, yard leashes, expander leashes, all for animals; clothing for animals, in particular pullovers, dresses, skirts, caps, shoes, dog coats; Bags and storage bags of nylon, both for dry animal feed

IC 019. US 001 012 033 050. G & S: Modular non-metal chicken houses; Non-metal fences; transportable buildings and fences not of metal, namely, enclosures and runs; Modular non-metal stables for small animals; aviaries, not of metal; decorative aquarium stones; aquarium sand, aquarium gravel; lava for use in aquariums; sand, stone, cork, moss, clay and wood products for use in terrariums

IC 020. US 002 013 022 025 032 050. G & S: Non-metal outdoor feed bins; Animal hobs; animal hooves; beds for household pets; non-metal containers for pets; furniture for pets; kennels for household pets; mattresses for pets; straw mattresses for pets; memory foam mattresses for pets; dog kennels; dog baskets for beds; wicker baskets for animals, including with interior linings and cushions for beds; plastic beds for animals, cushions for pets; Beds for pets; sofas and couches for pets; car beds for animals; scratching posts for pets; scratching boards for pets; nesting boxes; warning signs of wood or of plastic to warn of animals present; mirrors for pet cages; non-metal fasteners, in particular hooks for pet cages and housings for animals; Non-metal clamps, sleeves and rods for fastening animal protection nets; Non-metal wall clamps, railing clamps, and tie-rods for fastening animal protection nets; ramps of plastic, not fitted, being access aids for animals into automobiles; sea shells for aquariums; Non-metal nameplates for attaching to animal collars; Dog and cat flaps made from plastic for use in house doors and house walls, namely, nonmetal pet doors; safety guards not of metal for pivot-hung windows; non-metal, portable stairs for small animals

IC 021. US 002 013 023 029 030 033 040 050. G & S: Aquarium ornaments made of stone; cages for pets; Electric devices for attracting and killing insects; Bowls, basins, and brushes for animals; brushes for cleaning tanks and containers for animals; Buckets, pails, and hand-operated cleaning instruments, namely, cleaning brushes, for cleaning tanks and containers for animals; gloves for household purposes; non-electric heaters for feeding bottles; non-electric, indoor terrariums; indoor aquaria and tanks for fish; indoor terrariums; insect traps; litter boxes for pets; mangers for animals; rat traps; rings for birds for play; steel wool for cleaning; water apparatus for cleaning teeth and guns for home use; transport cages for household pets; non-mechanized drinking bottles for animals; troughs; non-mechanized suspended feeders and suspended drinking bottles; troughs for small animals; feeding bowls; bowls of plastic for dogs, cats, and small animals; drinking and feeding bowls; brushes and combs of plastic or wood for dogs, cats and small animals with natural bristles or bristles of metal or brass; currycombs; grooming gloves for household use; toothbrushes for animals; cleaning brushes for aquariums; ceramic and porcelain bowls for dogs, cats, and small animals; bowls of stainless steel; cages and transport cages for pets; cages for birds, rodents, and rabbits; bird baths; perches for pet birds; feeding houses for pets and small animals; Non-metal feeding columns for animals; mouse traps; boxes for transporting animals; non-metal cat litter trays; indoor aquaria; decorative articles for aquariums, namely, ornaments; aquarium hoods; feeding bowls and drinking troughs of plastic for animals

IC 024. US 042 050. G & S: Cotton fabrics and unfitted fabric covers for furniture; loose unfitted fabric covers for furniture; unfitted fabric covers for cushions; unfitted furniture coverings of plastic; unfitted coverings of plastic for furniture; unfitted furniture coverings of textile; mosquito nets; non-woven textile fabrics; travelling rugs; covers for cushions, beds, sofas and couches, nonwoven blankets for animals; dog blankets; travel blankets, wool blankets, and nonwoven blankets, namely, unfitted protective covers for vehicle seats and luggage areas

IC 028. US 022 023 038 050. G & S: Balls for games; butterfly nets; toys for domestic pets, namely, play ropes and sticks for retrieving; toys for animals, made of wood, fabric, leather, rubber, natural rubber, vinyl and latex, namely, balls for games; Fur toys and plush toys for domestic pets; plastic toys for domestic pets; fur and plush mice toys for domestic pets; Soft balls for games for domestic pets; bird toys, namely, mirrors and plastic parakeets; toys for dogs to train for hunting and training; Scratching toys for animals; Dog toys in the form of tunnels, slalom poles, hurdles and rings; Flying disc toys; educational toys for animals; aquarium nets for fish; toys of wood and plastic for dogs, cats, small animals and birds; whistle toys; wooden ladders for birds and small animals for use as toys; wheels for exercise for rodents

Standard Characters Claimed

Mark

(4) STANDARD CHARACTER MARK

Drawing Code

86899479

Serial Number

February 5, 2016

Filing Date

44E

Current Basis

44D;44E

Original Filing Basis

August 22, 2017

Published for

5326610

Opposition Registration Number

November 7, 2017

Registration Date

(REGISTRANT) DOMU BRANDS LIMITED PRIVATE LIMITED COMPANY UNITED KINGDOM 5TH FLOOR THE TOWER DEVA CITY OFFICE PARK, TRINITY, WAY SALFORD UNITED KINGDOM M3 7BF

Owner

ASSIGNMENT RECORDED

Assignment Recorded

Bradley D. Crose

Attorney of Record

November 26, 2015

Priority Date

TRADEMARK

Type of Mark

PRINCIPAL

Register

LIVE

Live/Dead Indicator

Record 1 out of 1

[TSDR](#)[ASSIGN Status](#)[TTAB Status](#)

(Use the "Back" button of the Internet Browser to return to TESS)



Word Mark FILO & MYLO

Goods and Services IC 031. US 001 046. G & S: Edible dog treats. FIRST USE: 20170126. FIRST USE IN COMMERCE: 20170126

Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code 03.01.08 - Dogs; Puppies
03.01.16 - Heads of cats, dogs, wolves, foxes, bears, lions, tigers
03.01.24 - Stylized cats, dogs, wolves, foxes, bears, lions, tigers
26.01.02 - Circles, plain single line; Plain single line circles

Serial Number **87321519**

Filing Date February 1, 2017

Current Basis 1A

Original Filing Basis 1A

Published for Opposition July 11, 2017

Registration Number 5294881

Registration Date September 26, 2017

Owner (REGISTRANT) CUISINE & CULTURE LLC LIMITED LIABILITY COMPANY FLORIDA UNIT 113 17560 NW 27TH AVENUE MIAMI GARDENS FLORIDA 33056

(LAST LISTED OWNER) TAVAZZANI, FILIPPO INDIVIDUAL ITALY 234 NE 3 ST UPH3 MIAMI FLORIDA 33132

Assignment Recorded ASSIGNMENT RECORDED

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米乐鱼 Milofish

Word Mark MILOFISH**Translations** The non-Latin characters in the mark transliterate to "MI LE YU" and this has no meaning in a foreign language.**Goods and Services** IC 005. US 006 018 044 046 051 052. G & S: Air purifying preparations; Bacteriological culture mediums; Chemical conductors for electrocardiograph electrodes; Chemical reagents for medical or veterinary purposes; Diapers for pets; Dietetic foods adapted for medical purposes; Disinfectants; Disinfectants for hygiene purposes; Food for babies; Herbal supplements; Herbs for medicinal purposes; Medicinal herbs; Napkins for incontinents; Oxygen for medical use; Pesticides; Radioactive substances for medical purposes; Sanitary pads; Sanitary pants; Semen for artificial insemination; Solutions for contact lenses. FIRST USE: 20170101. FIRST USE IN COMMERCE: 20170101**Mark Drawing Code** (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS**Design Search Code** 28.01.03 - Chinese characters ; Japanese characters ; Japanese and Chinese characters**Serial Number** 87429337**Filing Date** April 28, 2017**Current Basis** 1A**Original Filing Basis** 1A**Published for Opposition** September 11, 2018**Registration Number** 5614411**Registration Date** November 27, 2018**Owner** (REGISTRANT) DAI, XUEMIN INDIVIDUAL CHINA Rencai Market Building, Baoan North Road, Luohu District, Shenzhen City, Guangdong Province CHINA**Description of Mark** Color is not claimed as a feature of the mark. The mark consists of three Chinese characters above the stylized wording "MILOFISH".**Type of Mark** TRADEMARK**Register** PRINCIPAL**Live/Dead Indicator** LIVE[TESS HOME](#)[NEW USER](#)[STRUCTURED](#)[FREE FORM](#)[BROWSE DICT](#)[SEARCH O.G.](#)[TOP](#)[HELP](#)[PREV LIST](#)[CURR LIST](#)[NEXT LIST](#)[FIRST DOC](#)[PREV DOC](#)[NEXT DOC](#)[LAST DOC](#)