

TTAB

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September 21, 2006

VIA CERTIFIED MAIL

Trademark Trial and Appeal Board
Madison East
Concourse Level, Room C55
600 Dulany Street
Alexandria, VA 22314

Re: *Endo Pharmaceuticals Inc. v. Western Holdings LLC*, Opposition No. 91167378,
Application Serial No. 78/657,206 (TM "ENDOTHIL"), Our Ref. 0222552.0023

Dear Sir or Madam:

Enclosed for filing in this matter please find an Opposition to Motion for Suspension of
Proceedings.

Sincerely,



Bruce A. McDonald

BAM:me
Enclosure

cc: Endo Pharmaceuticals Inc. (w/enc.)
James R. Meyer, Esq. (w/o enc.)
Julie Morriss, Esq., (w/enc.)

10-02-2006

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #22

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

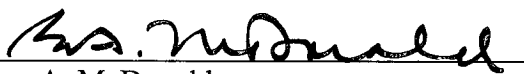
ENDO PHARMACEUTICALS INC.,)	
)	Opposition No.: 91167378
Opposer,)	
)	Serial No.: 78/657,206
v.)	
)	MARK: ENDOTHIL
WESTERN HOLDINGS, INC.,)	
)	
Applicant.)	

OPPOSITION TO MOTION FOR SUSPENSION OF PROCEEDINGS

Endo Pharmaceuticals Inc. opposes Applicant's Motion for Suspension of Proceedings on the grounds that the declaratory judgment action filed by Applicant on August 1, 2006, styled *Novex Biotech LLC v. Endo Pharmaceuticals*, Civil Action No. 2:06cv00638 (D.Utah), is frivolous and will be dismissed for the reasons stated in Defendant's Memorandum in Support of Motion to Dismiss for Lack of Subject Matter Jurisdiction and Improper Venue, filed by Endo Pharmaceuticals in that action on September 5, 2006, a copy of which is appended hereto as Exhibit A.

Respectfully submitted,

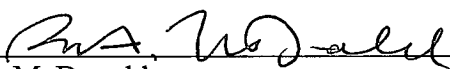
ENDO PHARMACEUTICALS INC.

By: 
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on September 21, 2006, a copy of the foregoing Opposition to Motion for Suspension of Proceedings was served by U.S. mail, first class postage prepaid, on counsel of record in an envelope addressed as follows:

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Attorneys for Defendant Endo Pharmaceuticals Inc.

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

**NOVEX BIOTECH, L.L.C. and
WESTERN HOLDINGS, L.L.C.,**

Plaintiffs,

V.

ENDO PHARMACEUTICALS INC.,

Defendant.

Case No. 2: 06 CV 00638 PGC

**DEFENDANT’S MEMORANDUM IN
SUPPORT OF MOTION TO DISMISS
FOR LACK OF SUBJECT MATTER
JURISDICTION AND IMPROPER
VENUE**

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