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

Proceeding	91193303
Party	Plaintiff Allergan, Inc.
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Date	12/11/2010
Attachments	Fourth_Notice_of_Reliance.pdf (162 pages)(1518716 bytes)

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

In the Matter of Application Serial No. 79/061,765
Published in the Official Gazette of September 8, 2009

ALLERGAN, INC.,

Opposer,

v.

BOOT OX PTY LTD,

Applicant.

Opposition No. 91193303

**OPPOSER'S FOURTH NOTICE OF RELIANCE, PURSUANT TO RULE 2.122(e), ON
OPPOSER'S 2003 FORM 10-K**

Pursuant to Rule 2.122(e) of the Trademark Rules of Practice, Opposer Allergan, Inc. ("Opposer) hereby gives notice of its reliance at trial on the Form 10-K (Annual Report) it filed with the United States Securities and Exchange Commission on March 2, 2004 for the period ending December 31, 2003. A true and correct copy of the referenced Form 10-K is attached hereto as Exhibit 4. The Form 10-K was obtained from the Internet, and the printed version attached as Exhibit 4 identifies the date it was accessed and printed, and the URL from where it was obtained. *See Safer, Inc. v. OMS Invs., Inc.*, 94 USPQ2d 1031, 1039 (TTAB 2010).

The Form 10-K is relevant to the issue of the fame of the BOTOX[®] mark, in that it reflects revenue received by Opposer for sales of goods under the BOTOX[®] mark for the years ended 2003, 2002 and 2001. In addition, the Form 10-K discusses Opposer's direct-to-consumer

advertising of goods sold under the BOTOX[®] mark, and provides other information relevant to the fame of the mark.

SEYFARTH SHAW LLP

Date: December 10, 2010

By: /Kenneth L. Wilton/
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EXHIBIT 4



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