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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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**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 THIRD NOTICE OF RELIANCE, PURSUANT TO RULE 2.122(e), ON
OPPOSER'S 2006 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 its Form 10-K (Annual Report) it filed with the United States Securities and Exchange Commission on February 26, 2007 for the period ending December 31, 2006. A true and correct copy of the referenced Form 10-K is attached hereto as Exhibit 3. The Form 10-K was obtained from the Internet, and the printed version attached as Exhibit 3 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 2006, 2005 and 2004. In addition, the Form 10-K discusses Opposer's direct-to-consumer

EXHIBIT 3

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