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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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Submission	Plaintiff's Notice of Reliance
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Signature	/Kenneth L. Wilton/
Date	12/11/2010
Attachments	Second Notice of Reliance - 1.pdf ( 253 pages )(1766781 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 SECOND NOTICE OF RELIANCE, PURSUANT TO RULE 2.122(e), ON  
OPPOSER'S 2009 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 February 26, 2010 for the period ending December 31, 2009. A true and correct copy of the referenced Form 10-K is attached hereto as Exhibit 2. The Form 10-K was obtained from the Internet, and the printed version attached as Exhibit 2 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<sup>®</sup> mark, in that it reflects revenue received by Opposer for sales of goods under the BOTOX<sup>®</sup> mark for the years ended 2009, 2008 and 2007. In addition, the Form 10-K discusses Opposer's direct-to-consumer



# EXHIBIT 2

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**UNITED STATES  
SECURITIES AND EXCHANGE COMMISSION  
Washington, D.C. 20549**

**FORM 10-K**

(Mark One)

**ANNUAL REPORT PURSUANT TO SECTION 13 OR 15(d) OF THE  
SECURITIES EXCHANGE ACT OF 1934**

**For the Fiscal Year Ended December 31, 2009**

or

**TRANSITION REPORT PURSUANT TO SECTION 13 OR 15(d) OF THE  
SECURITIES EXCHANGE ACT OF 1934**

Commission File Number 1-10269

**Allergan, Inc.**

(Exact Name of Registrant as Specified in its Charter)

**Delaware**  
(State or Other Jurisdiction of  
Incorporation or Organization)

**95-1622442**  
(I.R.S. Employer Identification No.)

**2525 Dupont Drive  
Irvine, California**  
(Address of Principal Executive Offices)

**92612**  
(Zip Code)

**(714) 246-4500**

(Registrant's Telephone Number, Including Area Code)

**Securities Registered Pursuant to Section 12(b) of the Act:**

Title of Each Class	Name of Each Exchange on Which Registered
Common Stock, \$0.01 Par Value	New York Stock Exchange
Preferred Share Purchase Rights	

**Securities Registered Pursuant to Section 12(g) of the Act: None**

Indicate by check mark if the registrant is a well-known seasoned issuer, as defined in Rule 405 of the Securities Act. Yes  No

Indicate by check mark if the registrant is not required to file reports pursuant to Section 13 or Section 15(d) of the Act. Yes  No

Indicate by check mark whether the registrant (1) has filed all reports required to be filed by Section 13 or 15(d) of the Securities Exchange Act of 1934 during the preceding 12 months (or for such shorter period that the registrant was required to file such reports), and (2) has been subject to such filing requirements for the past 90 days. Yes  No

Indicate by check mark whether the registrant has submitted electronically and posted on its corporate Web site, if any, every Interactive Data File required to be submitted and posted pursuant to Rule 405 of Regulation S-T (§232.405 of this chapter) during the preceding 12 months (or for such shorter period that the registrant was required to submit and post such files). Yes  No

Indicate by check mark if disclosure of delinquent filers pursuant to Item 405 of Regulation S-K (§229.405 of this chapter) is not contained herein, and will not be contained, to the best of registrant's knowledge, in definitive proxy or information statements incorporated by reference in Part III of this Form 10-K or any amendment to this Form 10-K.

Indicate by check mark whether the registrant is a large accelerated filer, an accelerated filer, a non-accelerated filer, or a smaller reporting company. See the definitions of "large accelerated filer," "accelerated filer" and "smaller reporting company" in Rule 12b-2 of the Exchange Act.

Large accelerated filer

Accelerated filer

Non-accelerated filer  (Do not check if a smaller reporting company)

Smaller reporting company

Indicate by check mark whether the registrant is a shell company (as defined in Rule 12b-2 of the Exchange Act). Yes  No

As of June 30, 2009, the aggregate market value of the registrant's common stock held by non-affiliates of the registrant was approximately \$14,430 million based on the closing sale price as reported on the New York Stock Exchange.

Common stock outstanding as of February 19, 2010 — 307,511,888 shares (including 3,511,177 shares held in treasury).

**DOCUMENTS INCORPORATED BY REFERENCE**

Part III of this report incorporates certain information by reference from the registrant's proxy statement for the annual meeting of stockholders to be held on April 29, 2010, which proxy statement will be filed no later than 120 days after the close of the registrant's fiscal year ended December 31, 2009.

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