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Filing date: **08/09/2018**

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

Proceeding	91226322
Party	Plaintiff Lupin Pharmaceuticals, Inc.
Correspondence Address	SUZANNA M M MORALES POWLEY & GIBSON PC 304 HUDSON ST SUITE 202 NEW YORK, NY 10013 UNITED STATES Email: thcurtin@powleygibson.com, smmorales@powleygibson.com
Submission	Testimony For Plaintiff
Filer's Name	Suzanna M. M. Morales
Filer's email	trademarks@powleygibson.com, thcurtin@powleygibson.com, smmorales@powleygibson.com
Signature	/suzanna m m morales/
Date	08/09/2018
Attachments	Lupin - Ampel - opposers notice of filing of SJ affidavits public 080818.pdf(10583 bytes ) public Berthold affidavit.pdf(1075130 bytes ) public Liska part 1.pdf(4023075 bytes ) public Liska part 2.1.pdf(2880318 bytes ) public Liska part 2.2.pdf(2451226 bytes )

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

In the matter of Application Serial No. 86509184  
For the Mark: LUPPIN  
Published in the Official Gazette on August 18, 2015

-----X  
LUPIN PHARMACEUTICALS, INC., :  
Opposer, :  
-against- :  
AMPEL, LLC, :  
Applicant. :  
-----X

Opposition No. 91226322

**OPPOSER'S NOTICE OF FILING OF  
AFFIDAVIT TESTIMONY PURSUANT TO STIPULATION**

PLEASE TAKE NOTICE, that, pursuant to the Joint Stipulation of the parties dated August 7, 2018 (Document No. 26), Opposer files herewith the Affidavit of Dave Berthold in Support of Motion for Summary Judgment by Opposer Lupin Pharmaceuticals, Inc. and the Affidavit of Jay Liska in Support of Motion for Summary Judgment by Opposer Lupin Pharmaceuticals, Inc., together with exhibits identified therein, which the parties have agreed will be admissible as stated in the Joint Stipulation.

Opposer has designated certain portions of the above-referenced affidavits and exhibits as confidential pursuant to the Board's Standard Protective Order and submits herewith redacted versions. Opposer also submits separately, under seal, unredacted affidavits and exhibits.

Dated: August 9, 2018

By:           /suzanna m m morales/            
          Thomas H. Curtin

Robert L. Powley  
Thomas H. Curtin  
Diane B. Melnick  
Suzanna M. M. Morales  
POWLEY & GIBSON, P.C.  
304 Hudson Street, Suite 305  
New York, NY 10013  
Telephone: (212) 226-5054  
Facsimile: (212) 226-5085

Attorneys for Opposer  
LUPIN PHARMACEUTICALS, INC.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
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Opposer, :  
-against- :  
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Applicant. :  
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Opposition No. 91226322

**CERTIFICATE OF SERVICE**

I hereby certify that on this 9th day of August, 2018, a true and correct copy of the foregoing Opposer's Notice of Filing of Affidavit Testimony Pursuant to Stipulation was served on counsel of record for the Applicant via email, to:

Patrick Asplin  
pca@lplaw.com  
Lenhart Pettit  
P.O. Box 2057  
Charlottesville, VA 22902

/suzanna m m morales/  
An Attorney for Opposer

IN THE U.S. PATENT AND TRADEMARK OFFICE BEFORE THE  
TRADEMARK TRIAL AND APPEAL BOARD

-----X  
LUPIN PHARMACEUTICALS, INC.,

Opposer,

Opposition No. 91226322

v.

AMPEL, LLC,

Applicant.  
-----X

**AFFIDAVIT OF DAVE BERTHOLD IN SUPPORT OF MOTION FOR SUMMARY  
JUDGMENT BY OPPOSER LUPIN PHARMACEUTICALS, INC.**

STATE OF MARYLAND            )  
  ) ss.:  
COUNTY OF BALTIMORE        )

DAVE BERTHOLD, being duly sworn, deposes and says:

1. I am Senior Vice President of Sales and Operations, U.S. Generics, for Lupin Pharmaceuticals, Inc. (hereinafter "Lupin" or "Opposer"). I make this affidavit in support of the Motion for Summary Judgment brought by Lupin against Applicant Ampel, LLC in the subject action.

2. I have been employed by Lupin since June 2006 and have held the position of Senior Vice President of Sales and Operations, U.S. Generics, since 2015. The facts in this affidavit are based upon my personal knowledge as well as on the records, data, and documents of Lupin that I have reviewed and/or annexed hereto which are kept by Lupin in the ordinary course of its business.

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