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

Proceeding	91226322
Party	Plaintiff Lupin Pharmaceuticals, Inc.
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Date	11/26/2018
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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. 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 RELIANCE IN REBUTTAL

Pursuant to 37 C.F.R. §§ 2.120(k), 2.122(b), (d), and (e), Opposer, Lupin Pharmaceuticals, Inc. (“Lupin” or “Opposer”) hereby makes of record and notifies Applicant Ampel, LLC (“Ampel” or “Applicant”) of the following exhibits for its Notice of Reliance in Rebuttal. Opposer reserves the right to use, where applicable, any other documents presented as exhibits to Opposer’s Notice of Reliance or Applicant’s Notice or Reliance:

- A. As Applicant has stated its intention to use the file history for the subject application, Ser. No. 86/509,184, in evidence in this matter, Opposer notes that “[t]he file . . . of the application against which a notice of opposition is filed . . . forms part of the record of the proceeding without any action by the parties and reference may be made to the file for any relevant and competent purpose . . .”. TBMP § 704.03(a); *see also* 37 C.F.R. §2.122(b). Opposer reserves its right to refer to the file history for “any relevant and

competent purpose,” including, without limitation, for Applicant’s statements made to the USPTO regarding its application and the claimed use of Applicant’s mark.¹

B. The below responses to Applicant’s interrogatories. Applicant chose not to include these responses in its Notice of Reliance, thereby creating an incomplete and erroneous impression concerning Opposer’s use of its mark. In order to dispel this misleading impression, Opposer submits the following responses, which provide detailed factual information regarding the use of Opposer’s LUPIN mark. All of the following should, in fairness, be considered by the Board to prevent any misleading impression created by Applicant’s selective and incomplete excerpts from Opposer’s interrogatory responses. These answers include, without limitation:

- a. Opposer’s response to Interrogatory Nos. 5 and 15 in Opposer’s First Amended Responses to Applicant’s First Set of Interrogatories, regarding the use of Opposer’s LUPIN mark and the scope of pharmaceutical products Opposer offers. Opposer’s response to Interrogatory No. 5 is incorporated by reference in Opposer’s response to Interrogatory No. 15, which is, in turn, incorporated by reference in Opposer’s response to Interrogatory No. 33. Opposer’s responses to Interrogatory Nos. 5 and 15, therefore, should be considered in conjunction with Opposer’s response to Interrogatory No. 33. A true and correct copy of the cited

¹ Opposer objects to the introduction of the file history of the subject application by Applicant “for the purpose of demonstrating Respondent’s use of its mark and the goods and services offered under its mark.”

Specimens in the file of an application for registration . . . are not evidence on behalf of the applicant or registrant unless identified and introduced in evidence as exhibits during the period for the taking of testimony. Statements made in an affidavit or declaration in the file of an application for registration . . . are not testimony on behalf of the applicant or registrant.

37 C.F.R. § 2.122(b)(2). Moreover, Applicant has not introduced such specimens – or any portion of its file history – as an exhibit to its Notice of Reliance. Therefore, such evidence is not properly of record as evidence of the claimed use of Applicant’s mark.

portions of Opposer's First Amended Responses to Applicant's First Set of Interrogatories is attached hereto as Exhibit DD.

- b. Opposer's response to Interrogatory No. 7 in Opposer's First Amended Responses to Applicant's First Set of Interrogatories, regarding the use of Opposer's LUPIN mark and the range of pharmaceutical products Opposer offers and sells, including products that may be used for the treatment of common symptoms of Lupus. Opposer's response to Interrogatory No. 7 is referenced in Opposer's response to Interrogatory No. 8. Opposer's response to Interrogatory No. 7, therefore, should, in fairness, be considered in conjunction with Opposer's response to Interrogatory No. 8 as relied upon by Applicant.
- c. Opposer's response to Interrogatory No. 15 in Opposer's First Amended Responses to Applicant's First Set of Interrogatories, regarding the nature and scope of Opposer's use of the LUPIN mark and Opposer's long use of the LUPIN mark. As noted above, Opposer's responses to Interrogatory Nos. 5 and 15 should both be considered in conjunction with Opposer's response to Interrogatory No. 33.
- d. Opposer's response to Interrogatory No. 17 in Opposer's First Amended Responses to Applicant's First Set of Interrogatories, regarding the nature and scope of Opposer's use of the LUPIN mark, Opposer's advertising, Opposer's channels of trade, and the conditions of the sale/distribution of Opposer's products and services. Opposer's response to Interrogatory No. 17 is incorporated by reference in Opposer's response to Interrogatory No. 18. Opposer's response to Interrogatory No. 17, therefore, should, in fairness, be considered in

conjunction with Opposer's response to Interrogatory No. 18 as relied upon by Applicant.

- e. Opposer's response to Interrogatory No. 25 in Opposer's First Amended Responses to Applicant's First Set of Interrogatories, which is relevant to the presence or absence of actual confusion. This should be considered in conjunction with Opposer's Response to Document Request No. 10 in Opposer's Responses to Applicant's First Requests for Production of Documents, which Applicant has included in its Notice of Reliance. Opposer also attaches hereto as Exhibit EE Respondent's Supplemental Answers to Opposer's First Set of Interrogatories, No. 4, which Opposer cited in Opposer's response to Applicant's Interrogatory No. 25, and which should, in fairness, be considered in conjunction therewith regarding the presence or absence of actual confusion.² The foregoing should be considered by the Board as Applicant has attempted, in only citing to Opposer's Response to Document Request No. 10, to create an issue regarding Opposer's statement that it did not locate documents regarding actual confusion between the parties' marks. As explained in the cited interrogatory responses, there are no documents because Applicant's use of its claimed mark is largely non-existent.
- f. Opposer's Amended Response to Interrogatory No. 5 in Opposer's Second Amended Responses to Applicant's First Set of Interrogatories. This amended response is relevant for the same reasons as set forth above regarding Opposer's Response to Interrogatory No. 5 in Opposer's First Amended Responses to

² Respondent's Supplemental Answers to Opposer's First Set of Interrogatories, No. 11, and Respondent's Supplemental (sic) Responses to Opposer's First Set of Requests for Production of Documents, No. 12, were introduced in Opposer's Notice of Reliance at Exhibits D and H, respectively. These responses also were cited in, and should be considered in conjunction with, Opposer's Response to Interrogatory No. 25.

Applicant's First Set of Interrogatories, as well as to the ongoing expansion of Opposer's product line offered and sold under the LUPIN mark, and should be considered in conjunction with the interrogatory responses submitted in Applicant's Notice of Reliance. A true and correct copy of the cited portions of Opposer's Second Amended Responses to Applicant's First Set of Interrogatories is attached hereto as Exhibit FF.³

- g. Opposer's Amended Response to Interrogatory No. 7 in Opposer's Second Amended Responses to Applicant's First Set of Interrogatories (Exhibit FF). This amended response is relevant for the same reasons as set forth above regarding Opposer's Response to Interrogatory No. 7 in Opposer's First Amended Responses to Applicant's First Set of Interrogatories, and should, in fairness, be considered in conjunction with the responses submitted in Applicant's Notice of Reliance.
- C. The following response to Applicant's requests for production of documents. Applicant chose not to include this response in its Notice of Reliance, thereby creating the erroneous impression of a limited record regarding Opposer's use of its mark. In order to dispel this misleading impression, Opposer submits the following response, which provides detailed factual information regarding the use of Opposer's LUPIN mark. The following should, in fairness, be considered by the Board to prevent any misleading impression created by Applicant's selective and incomplete citation to excerpts from Opposer's discovery responses.

³ Numbered page 11 of Exhibit FF contains redacted confidential material, which is not relevant to or included in Opposer's Notice of Reliance in Rebuttal.

a. Opposer's Response to Document Request No. 7 in Opposer's Responses to Applicant's First Requests for Production of Documents, which is relevant to show Opposer's provision of pharmaceutical products that may be used to treat certain symptoms of Lupus. This should be considered in conjunction with Opposer's Response to Document Request No. 8, which Applicant claims is "offered in evidence to show that Opposer has not used its mark in connection with any services directed to or provided to Lupus patients . . .". Applicant has attempted to demonstrate that the fact that Opposer does not provide *services* of the nature of those identified in Applicant's Application Ser. No. 86/509,184, and has neglected to include Opposer's distribution and sale of numerous goods that can be used to treat common symptoms of Lupus. True and correct copies of the cited portion of Opposer's Responses to Applicant's First Requests for Production of Documents, as well a representative sample of documents produced in response thereto (namely, Bates Nos. LUP-000321 – 324, LUP-000374 – 377, LUP-000439 – 444, LUP-000643 – 646, LUP-000673 – 686, LUP-000744, LUP-000775 – 778, LUP-001353 – 1356, LUP-001377 – 1385, LUP-001479 – 1480, LUP-001484 – 1486, LUP-002457 – 2458, LUP-002543 – 2545, LUP-002553 – 2558, LUP-002566 – 2567, LUP-002574 – 2577), are attached hereto as Exhibit GG. The responsive documents relate to the products identified by Opposer in response to Applicant's Interrogatory No. 7, which is discussed in Paragraph B above. Opposer produced thousands of documents responsive to this request, including examples of product packaging, package inserts, and documents related to the FDA approval of each of the products identified in response to Interrogatory No.

7. Exhibit GG contains a representative sample of the product packaging produced in response to this document request. The parties have stipulated to the admissibility of these documents. Dkt. 40.

- D. Opposer filed the Affidavit of Dave Berthold in Support of Opposer's Motion for Summary Judgment ("Berthold SJ Affidavit") and supporting exhibits during Opposer's testimony period. Dkt. 27-28. The parties had stipulated that the Berthold SJ Affidavit is admissible for all purposes, Dkt. 26, and Applicant has even included this affidavit in its own Notice of Reliance. In addition to reliance upon the Berthold SJ Affidavit in its case-in-chief, the Berthold SJ Affidavit is also relied upon by Opposer in rebuttal since it is relevant to Opposer's corporate history and structure, including the relationship between Opposer and Lupin Limited, as well as the meaning and commercial connotation of Opposer's mark. The Berthold SJ Affidavit, therefore, serves to rebut Applicant's introduction of third-party registrations for other "Lupin" marks, including one registration owned by Opposer's ultimate corporate parent, Lupin Limited.
- E. Portions of the discovery deposition of Peter Lipsky, M.D., were introduced in Opposer's Notice of Reliance, and the transcript was attached as Exhibit K thereto.⁴ Opposer further designates the following portions in rebuttal to Applicant's Notice of Reliance. This testimony is relevant to and is offered in evidence for the purposes of demonstrating:
- a. 24:19 – 25:9, 26:9 – 27:3, 42:18 – 20: Applicant's channels of trade, including Dr. Lipsky's contacts in the pharmaceutical industry. The Affidavit of Dr. Peter Lipsky ("Lipsky Affidavit") appended as Exhibit 4 to Applicant's Notice of Reliance states that "Ampel also does not work directly with any manufacturers of

⁴ Only certain portions were filed under seal, but the entire (redacted) transcript was filed in the public version of Lupin's Notice of Reliance.

generic pharmaceuticals.” This testimony should be considered in conjunction with Exhibits Y and Z to Opposer’s Notice of Reliance as well as portions of the deposition of Applicant’s Rule 30(b)(6) representative regarding Dr. Lipsky’s patents, the entirety of which has been introduced through Opposer’s Notice of Reliance.⁵

- b. 64:22 – 65:21: history and origin of patient partner programs, Applicant’s channels of trade and classes of consumers (65:22 – 66:5, which were designated in Opposer’s Notice of Reliance, also should be considered for these purposes). This testimony should be considered in rebuttal to Paragraphs 8 and 9 of the Lipsky Affidavit, which discuss Applicant’s patient partner program, because this rebuttal testimony concerns not only Applicant’s patient partner program, but also Dr. Lipsky’s prior patient partner program, as well as patient partner programs in a broader context. This evidence is relevant to show the intended consumer group for the services covered by Ampel’s application.
- c. 71:15 – 72:9 and Deposition Exhibit 3. This testimony and exhibit are relevant to Applicant’s relationships with pharmaceutical companies, in rebuttal to testimony in the Lipsky Affidavit regarding Applicant’s relationships with pharmaceutical companies and Exhibit B thereto. According to the Lipsky Affidavit, Exhibit B to that affidavit is a website screenshot demonstrating Ampel’s use of its claimed

⁵ Applicant has moved to exclude Exhibits Y and Z, among other documents. Dkt. 36. Exhibits Y and Z consist of publicly-available documents from the file history of a U.S. patent on which Dr. Lipsky is a named inventor, as well as website printouts of Mylan, the assignee of the patent and a generic pharmaceutical company. The patent was assigned in 2015, when Dr. Lipsky was employed with Applicant. These documents contradict both the Lipsky Affidavit and the cited testimony of Dr. Lipsky. As these documents were never in the possession, custody, or control of Opposer, but rather were located through the research of Opposer’s attorneys, Opposer was not required to produce these documents at all, and they should not be excluded. The documents relating to Dr. Lipsky’s patent are admissible as official records of the USPTO, TBMP § 704.07, and the web printout is admissible as internet material. TBMP § 704.08(b).

LUPPIN mark. Opposer notes that a copy of Ampel's website produced by Ampel and discussed during Dr. Lipsky's deposition lists various pharmaceutical companies as "Clients and Collaborators" on the same page that the LUPPIN program is discussed. This list is not included in the website screenshots included as Exhibit B to the Lipsky Affidavit. Opposer submits that Exhibit 3 to the Lipsky Deposition should, in fairness, be considered in its entirety to show Applicant's relationships with pharmaceutical companies. The Lipsky Deposition was attached as Exhibit K to Opposer's Notice of Reliance. Deposition Exhibit 3 is attached hereto as Exhibit HH.

- d. 83:10 – 84:5: Applicant's claimed "Lu" family of marks. In paragraph 4 of the Lipsky Affidavit, Applicant discusses in the cited testimony Ampel's claimed "Lu" family of marks, including LuPRO.
 - e. 132:3 – 15, 137:16 – 138:6 and Deposition Exhibit 6. As noted above, the Lipsky transcript was attached as Exhibit K to Opposer's Notice of Reliance. Deposition Exhibit 6 is attached hereto as Exhibit II. Paragraph 11 of the Lipsky Affidavit references Applicant's network of "academic medical centers." Applicant has attempted to differentiate between Applicant's and Opposer's channels of trade, particularly relating to hospitals and medical centers. Opposer includes this testimony and exhibit which provide further information regarding Applicant's network and should be considered in fairness in connection with evidence regarding Applicant's network of "academic medical centers."
- F. Portions of the discovery deposition of Amrie Grammer, PhD, were introduced in Opposer's Notice of Reliance, and the relevant portions of the transcript were attached as

Exhibit L thereto. Opposer submits that the following portions should be considered in rebuttal to the documents and evidence presented by Applicant in its Notice of Reliance. The testimony cited below is relevant to, and is offered in evidence for the following reasons:

- a. 59:17 – 60:22, 62:20 – 65:2 and Exhibit 13: The testimony set forth in the Lipsky Affidavit, as well as the testimony and Exhibit 6 from Dr. Lipsky’s deposition discussed above at Section E.e. above should be considered in fairness in connection with the deposition testimony of Amrie Grammer regarding the LuCIN clinical investigator network. Such evidence provides a further explanation of the nature of Applicant’s network and rebuttal to the testimony that there is no overlap in the channels of trade between Applicant and Opposer. Exhibit 13 was introduced as Exhibit L-13 to Opposer’s Notice of Reliance.
- G. LUP-002371, produced by Opposer and introduced by Applicant in Exhibit 5 to Applicant’s Notice of Reliance. The parties have stipulated to the admissibility of this document. Dkt. 40.⁶ This document rebuts Applicant’s position that the parties’ respective channels of trade do not overlap, as it demonstrates that Opposer advertises to Johns Hopkins School of Medicine, where at least one member of Applicant’s clinical investigator network is located. This should be considered in conjunction with Deposition Exhibit 13 (Trial Exhibit L-13) and the testimony of Amrie Grammer at 62:20 – 65:2, discussed above.
- H. A true and correct copy of the statement of use filed in support of Application Ser. No. 85/161,714 (Reg. No. 4,475,508), obtained from the USPTO Trademark Status and

⁶ The parties stipulated to the admissibility and genuineness of this and other documents, but have reserved objections on other grounds for trial.

Document Retrieval system, attached hereto as Exhibit JJ. While the file histories of third-party registrations are of limited probative value, TBMP 704.03(b)(1)(B), Applicant has placed the use of this mark at issue by introducing the registration in its Notice of Reliance. This document is relevant by showing the strength of Opposer's mark and consumer perception and use as a source identifier of other marks containing the word "Lupin."⁷

- I. A true and correct copy of the Notice of Opposition filed in Opposition No. 91201582, entitled Lupin Pharmaceuticals, Inc. v. Guerlain S.A., obtained from the Trademark Trial and Appeal Board Inquiry System, is attached hereto as Exhibit KK. The application at issue in this opposition matured to Reg. No. 4,475,508, which Applicant introduced in its Notice of Reliance. This document is relevant to the strength of Opposer's mark and Opposer's enforcement efforts, as well as to the commercial impression of marks containing the word "Lupin."
- J. True and correct copies of internet materials referencing the fictional character "Arsene Lupin" are attached hereto as Exhibit LL. 37 C.F.R. § 2.122(e); TBMP § 704.08(b). These are relevant to demonstrate the connotation and commercial impression of the claimed mark ARSENE LUPIN, in rebuttal to Applicant's reliance on Reg. No.

⁷ Applicant has moved to strike numerous documents produced by Opposer on the ground that the documents were not produced in a timely manner, including, *inter alia*, third-party trademark registrations. Dkt. 36. It is telling that Applicant has now itself introduced third-party trademark registrations that Applicant never produced at all. Such documents would have been responsive to Opposer's Document Request No. 26: "All documents and things upon which Applicant intends to rely to prove the Affirmative Defenses listed in Applicant's Answer to Notice of Opposition and Affirmative Defenses dated March 24, 2016." Applicant responded, "there are no documents responsive to this request that have not (sic) otherwise been produced." The third-party registrations produced by Opposer were the same or similar type of documents Opposer had previously produced during discovery and were no surprise to Applicant. On the other hand, Applicant's Notice of Reliance was the first time that Applicant had ever indicated its intention to rely on such evidence. It is disingenuous for Applicant to seek to exclude the third-party registrations relied upon by Opposer while at the same time itself notifying Opposer now for the first time of its intention to rely on the very same type of public records.

4,475,508, which Applicant claims “bear[s] on the relative strength of weakness of Opposer’s mark and whether consumers may look to other source identifiers in distinguishing goods and services provided under marks containing the word ‘Lupin.’”:

- a. https://en.wikipedia.org/wiki/maurice_leblanc, accessed on October 24, 2018 relating to the French author who created the “fictional gentleman thief and detective Arsene Lupin”;
 - b. <https://www.amazon.com/Extraordinary-Adventures-Arsene-Lupin-Gentleman-Burglar/dp/1470179814>, accessed on October 24, 2018 showing the offering for sale of literature entitled “The Extraordinary Adventures of Arsene Lupin, Gentleman Burglar” on the amazon.com website;
 - c. <https://www.nytimes.com/1932/02/27/archives/john-and-lionel-barrymore-engage-in-a-battle-of-wits-in-a-film.html>, accessed on October 24, 2018, a digital reprint of a 1932 article entitled *John and Lionel Barrymore Engage in a Battle of Wits in a Film Version of “Arsene Lupin”*, NEW YORK TIMES, Feb. 27, 1932;
 - d. https://www.amazon.com/Guerlain-ARSENE-LUPIN-VOYOU-Parfum/dp/B004DILWES/ref=sr_1_1_a_it?ie=UTF8&qid=1540398085&sr=8-1&keywords=arsene+lupin+perfume, accessed on October 24, 2018, indicating the offering for sale of ARSENE LUPIN perfume by Guerlain at nearly \$400 for a 100 ml bottle.
- K. True and correct copies of internet materials referencing “Lupin the Third” are attached hereto as Exhibit MM. 37 C.F.R. § 2.122(e); TBMP § 704.08(b). These are relevant to demonstrate the connotation and commercial impression of the mark LUPIN THE THIRD, in rebuttal to Applicant’s reliance on Reg. Nos. 4,683,190 and 4,673,445, which

Applicant claims “bear[s] on the relative strength or weakness of Opposer’s mark and whether consumers may look to other source identifiers in distinguishing goods and services provided under marks containing the word ‘Lupin.’”:

- a. <https://www.lupin-3rd.net/en/>, accessed on October 24, 2018, relating to a Japanese manga featuring “Lupin III, grandson of the infamous phantom thief Lupin”;
 - b. <https://www.netflix.com/title/70050576>, accessed on October 24, 2018, relating to a Japanese anime series featuring the Lupin III fictional character;
 - c. <https://www.imdb.com/title/tt4129452/>, accessed on October 24, 2018, relating to a Japanese anime series featuring the Lupin III fictional character;
 - d. https://www.amazon.com/Lupin-3rd-Complete-First/dp/B00IZHPOCE/ref=sr_1_5?ie=UTF8&qid=1539811156&sr=8-5&keywords=lupin+the+third, accessed on October 24, 2018, relating to a Japanese anime series featuring the Lupin III fictional character.
 - e. https://en.wikipedia.org/wiki/Lupin_the_Third, accessed on November 13, 2018, relating to the character Lupin the Third in anime and manga.
- L. A true and correct copy of Respondent’s Responses to Opposer’s Third Set of Requests for Production of Documents, including Ampel’s response to Request No. 6, which is attached hereto as Exhibit NN. In the Affidavit of Dr. Peter Lipsky identified as Exhibit 4 to Applicant’s Notice of Reliance, Applicant presented evidence regarding certain conferences where Applicant “promoted the LuPPiN program.” Exhibit NN is relevant as to the issue of the number of attendees at such conferences, particularly Applicant’s failure to produce any documentation regarding the number and identity of any attendees,

and is, therefore, relevant to the scope and extent of Applicant's promotion and use of its mark as well as Applicant's channels of trade.

- M. True and correct copies of the Petition for Cancellation filed in Opposition No. 92052316, Lupin Pharmaceuticals, Inc. v. Australis Foods Pty Ltd, and Request to Dismiss Cancellation Proceedings, obtained from the Trademark Trial and Appeal Board Inquiry System, are attached hereto as Exhibit OO. TBMP §§ 704.07-08; 37 C.F.R. § 2.122(e)(1). These documents are relevant to show: (i) the strength of Opposer's mark; (ii) Opposer's vigilance in enforcing its rights in the LUPIN mark; (iii) Applicant's failure to demonstrate a crowded field of "Lupin" marks; and (iv) in rebuttal to Applicant's attempts, through introducing third-party registrations, to demonstrate that Opposer's mark is weak.
- N. True and correct copies of the certificate of registration, TSDR current status, and assignment of Reg. No. 3738119 for the mark LUPIN8 are attached hereto as Exhibit PP. TBMP §§ 704.07-08; 37 C.F.R. § 2.122(e)(1). This registration was assigned to Opposer's ultimate corporate parent, Lupin Ltd., pursuant to the Petition for Cancellation discussed at Paragraph M above. These documents are relevant to show: (i) the strength of Opposer's mark; (ii) Opposer's vigilance in enforcing its rights in the LUPIN mark; (iii) Applicant's failure to demonstrate a crowded field of "Lupin" marks; and (iv) in rebuttal to Applicant's attempts, through introducing third-party registrations, to demonstrate that Opposer's mark is weak.⁸

⁸ Opposer acknowledges that records of cancelled registrations are generally of very little probative value, except to demonstrate that the registration issued. Opposer submits that, in this instance, the assignment of the registration to Opposer's parent company and its subsequent cancellation are relevant to the lack of competing marks and, therefore, to the strength of Opposer's LUPIN mark.

Dated: November 26, 2018

By: /thomas h curtin/
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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. 86509184
For the Mark: LUPPIN
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LUPIN PHARMACEUTICALS, INC., :
Opposer, :
-against- :
AMPEL, LLC, :
Applicant. :
-----X

Opposition No. 91226322

CERTIFICATE OF SERVICE

I hereby certify that on this 26th day of November, 2018, a true and correct copy of the foregoing Opposer's Notice of Reliance in Rebuttal and exhibits thereto was served on counsel of record for the Applicant via email, to:

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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. 86509184
For the Mark: LUPPIN
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-----X
LUPIN PHARMACEUTICALS, INC., :
Opposer, :
-against- : Opposition No. 91226322
AMPEL, LLC, :
Applicant. :
-----X

EXHIBIT DD

TO

OPPOSER'S NOTICE OF RELIANCE IN REBUTTAL

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

LUPIN PHARMACEUTICALS, INC.,

Opposer,

v.

AMPEL, LLC,

Applicant.

Proceeding No. 91226322

Application Serial No.: 86/509184

**OPPOSER'S FIRST AMENDED RESPONSES TO
APPLICANT'S FIRST SET OF INTERROGATORIES**

Pursuant to Fed. R. Civ. P. 26 and 33, Opposer, Lupin Pharmaceuticals, Inc., (“Opposer”), by and through its undersigned attorneys, hereby submits the following first amended responses to Applicant Ampel, LLC’s (“Applicant”) First Set of Interrogatories to Opposer (“Interrogatories”) as follows. Opposer reserves the right to supplement, amend or correct these responses based upon information that may become known through additional discovery or any other means.

GENERAL RESPONSES AND OBJECTIONS

The following first amended responses hereby incorporate the General Responses and Objections set forth in Opposer’s Responses and Objections to Applicant’s First Set of Requests for the Production of Documents and Things to Opposer, served concurrently herewith. The individuals identified herein as current employees of Opposer and can be reached through Powley & Gibson, P.C.

The foregoing individuals can be reached through Opposer's attorneys, Powley & Gibson.

INTERROGATORY NO. 4: Identify and describe in detail the nature and scope of the Opposer's business activities.

RESPONSE TO INTERROGATORY NO. 4:

Opposer objects to this Interrogatory as overly broad and not proportional to the needs of this case. Opposer objects to this Interrogatory as vague, ambiguous, and requiring speculation and subjective judgment as to the meaning of the "scope of the Opposer's business activities." Subject to and without waiver of the foregoing general and specific objections, Opposer is a United States pharmaceutical company providing a full line of pharmaceutical products under the name and mark LUPIN. Opposer markets, advertises, distributes, and sells a wide variety of pharmaceutical products, both branded and generic, throughout the United States, along with providing associated and ancillary services, such as educational seminars for its pharmaceutical products, as well as support for ancillary services in the form of monetary emoluments. Opposer's various pharmaceutical products are intended for, and used to treat a wide range of diseases and conditions.

INTERROGATORY NO. 5: Identify all pharmaceutical products and drugs that are sold or marketed under the word mark LUPIN and/or the Lupin Design Mark.

RESPONSE TO INTERROGATORY NO. 5:

Opposer objects to this Interrogatory as overly broad, unduly burdensome, and not proportional to the needs of this case. Subject to and without waiver of the foregoing general and specific objections, Opposer identifies the following products by their generic or non-proprietary name or, where applicable, Opposer's product name, and therapeutic category:

Abacavir Sulfate, Lamivudine and Zidovudine Tablets – Antiretroviral agents for the treatment of HIV-1 infection
Amabelz™ Tablets – Hormone Replacement Therapy

Amlodipine Besylate Tablets – Calcium Channel Blocker
Amlodipine Besylate and Benazepril Hydrochloride Capsules – Antihypertensive Combination
Amlodipine and Valsartan Tablets – Antihypertensive
Amlodipine, Valsartan, HCTZ Tablets – Antihypertensive
Armodafinil Tablets – CNS (central nervous system) Stimulant
Azithromycin Tablets USP – Antibiotic
Bekyree™ Tablets – Oral Contraceptive
Bimatoprost Ophthalmic Solution – Antiglaucoma
Blisovi™ 24 Fe Tablets – Oral Contraceptive
Calcium Acetate Capsules – Antihyperphosphatemic
Cefadroxil Capsules – Cephalosporin Antibiotic
Cefadroxil Oral Suspension – Cephalosporin Antibiotic
Cefdinir Capsules – Cephalosporin Antibiotic
Cefdinir Oral Suspension – Cephalosporin Antibiotic
Cefixime Oral Suspension – Cephalosporin Antibiotic
Cefprozil Oral Suspension – Cephalosporin Antibiotic
Cefprozil Tablets – Cephalosporin Antibiotic
Ceftriaxone Sodium Injection – Cephalosporin Antibiotic
Cefuroxime Axetil Tablets – Cephalosporin Antibiotic
Celecoxib Capsules – Anti-arthritic
Cephalexin Capsules – Cephalosporin Antibiotic
Cephalexin Oral Suspension – Cephalosporin Antibiotic
Ciprofloxacin for Oral Suspension – Anti-infective
Daysee™ - Oral Contraceptive
Desloratadine – Antihistamine
Diclofenac Sodium Topical Solution – Anti-Inflammatory
Donepezil Hydrochloride Tablets – Anti-Alzheimer's agent
Doxycycline Capsules – Anti-Infectives
Doxycycline for Oral Suspension USP – Broad-spectrum antibiotic
Drospirenone & Ethinyl Estradiol Tablets USP – Oral Contraceptive
Duloxetine Hydrochloride DR Capsules USP – Antidepressant
Enskyce™ - Oral Contraceptive
Escitalopram Oxalate Tablet – Antidepressant
Eszopiclone Tablets, CIV – Anxiolytics - Sedatives - Hypnotics
Ethambutol Tablets – Antimycobacterial Agent
Fallback Solo™ - Oral Contraceptive
Famotidine for Oral Suspension – Histamine H2-Receptor Antagonist
Fenofibrate Tablets – Antihyperlipidemic Agent
Fenofibrate Capsules – Antihyperlipidemic
Fyavolv™ Tablets – Hormone Replacement Therapy
Fenofibric Acid DR Capsules – Antihyperlipidemic Agent
Gatifloxacin Ophthalmic Solution – Anti-Infectives
Imipramine Pamoate Capsules – Antidepressant
Irbesartan and Hydrochlorothiazide Tablets USP – Angiotensin II Receptor Antagonist w/
Diuretic
Irbesartan Tablets USP – Angiotensin II Receptor Antagonist

Jencycla™ Tablets – Oral Contraceptive
 Kaitlib™ Fe Tablets – Oral Contraceptive
 Kurvelo™ - Oral Contraceptive
 Lamivudine Tablets – Antivirals
 Lamivudine and Zidovudine Tablets – Antiretroviral Agent
 Levetiracetam Tablets – Anticonvulsant
 Levetiracetam Oral Solution USP – Antiepileptic
 Levetiracetam ER Tablets – Antiepileptic
 Levofloxacin Tablets – Fluoroquinolone Antibacterial
 Levonorgestrel and Ethinyl Estradiol Tablets USP and Ethinyl Estradiol Tablets USP – Oral Contraceptive
 Lisinopril Tablets USP – ACE (angiotensin converting enzyme) Inhibitor
 Lisinopril/HCTZ Tablets – ACE Inhibitor with Diuretic
 Losartan Potassium Tablets USP – Angiotensin II Receptor Antagonist
 Losartan Potassium and Hydrochlorothiazide Tablets – Angiotensin II Receptor Antagonist w/ Diuretic
 Lovastatin Tablets – HMG CoA (3-hydroxy-3-methylglutaryl-coenzyme, or statin) Reductase Inhibitor
 Mefenamic Acid Capsules – NSAID (non-steroidal anti-inflammatory drug)
 Meloxicam Tablets – NSAID
 Memantine HCl Tablets USP – NMDA (N-methyl-D-aspartate) Receptor Antagonist
 Metformin HCl ER Tablets – Biguanide Antihyperglycemics
 Metformin Hydrochloride Extended-Release Tablets USP – Antihyperglycemic
 Nabumetone Tablets – Antiarthritics
 Niacin ER Tablets USP – Antilipemic
 Nikki™ - Oral Contraceptive
 Norethindrone Tablets – Oral Contraceptive
 Norgestimate and Ethinyl Estradiol Tablets USP – Oral Contraceptive
 Pirmella™ - Oral Contraceptive
 Potassium Chloride ER Capsules USP – Electrolyte Replenisher
 Pravastatin Sodium Tablets – HMG CoA Reductase Inhibitor
 Quetiapine Fumarate Tablets – Antipsychotic
 Quinapril Tablets – ACE inhibitor
 Quinine Sulfate Capsules USP – Musculoskeletal Agent
 Rabepazole Na DR Tablets – Proton Pump Inhibitor
 Ramipril Capsules – ACE inhibitor
 Repaglinide and Metformin HCl Tablets – Anti-Diabetics
 Rifabutin Capsules USP – Antitubercular
 Sertraline HCl Tablets – SSRI (selective serotonin reuptake inhibitors)
 Simvastatin Tablets – HMG CoA Reductase Inhibitor
 Telmisartan & Amlodipine Tablets – Antihypertensive
 Telmisartan & HCTZ Tablets USP – Angiotensin II Receptor Antagonist
 Tramadol HCl ER Tablets – Analgesic
 Trandolapril Tablets – ACE inhibitor
 Tri-Lo-Marzia™ Tablets – Oral Contraceptive
 Valsartan & Hydrochlorothiazide Tablets USP – Angiotensin Receptor Blocker w/ Diuretic

Vancomycin HCl Capsules USP – Antibiotic
Valsartan Tablets USP – NAID - Antihypertensive
Vyfemla™ - Oral Contraceptive
Wymzya™ Fe – Oral Contraceptive
Ziprasidone HCl Capsules – Antipsychotic
Zolpidem ER Tablets – Sedative/Hypnotic

INTERROGATORY NO. 6: For each pharmaceutical products (sic) and drug identified in the answer to Interrogatory No. 5 above, identify the specific disease(s), symptom(s) and/or medical condition(s) that such pharmaceutical product or drug is used to treat.

RESPONSE TO INTERROGATORY NO. 6:

Opposer objects to this Interrogatory as overly broad, unduly burdensome, and not proportional to the needs of this case. Subject to and without waiver of the foregoing general and specific objections, Opposer incorporates by reference the therapeutic categories listed in Opposer's Response to Interrogatory No. 5 above.

INTERROGATORY NO. 7: Identify each pharmaceutical product and drug that is manufactured, sold or licensed, or has been manufactured, sold or licensed, by Opposer which is approved for, marketed for, and/or intended to, treat Lupus.

RESPONSE TO INTERROGATORY NO. 7:

Opposer objects to this Interrogatory as vague and ambiguous due to the compound nature of the request. Subject to and without waiver of the foregoing general and specific objections, Opposer does not market, sell or license a pharmaceutical product intended only for the treatment of Lupus. Opposer however affirmatively avers that Opposer markets and sells pharmaceutical products that can be used in connection with the treatment of Lupus, such as nonsteroidal anti-inflammatory drug (NSAIDs) including celecoxib and anti-malarials. Many of Opposer's pharmaceutical products are approved for, and marketed for the treatment of a wide range of diseases and conditions, including the treatment of certain common symptoms of Lupus such as fever; headache; fatigue; confusion; chest pain; stiffness; shortness of breath; joint or

muscle pain; anemia; shortness of breath; swelling (edema) in the legs, ankles, and feet; joint swelling; and rash. These products include the following:

- Vancomycin Hydrochloride Caps USP, which is intended for the treatment of *C. difficile*-associated diarrhea and Enterocolitis caused by *Staphylococcus aureus* (including methicillin-resistant strains), with symptoms including, without limitation, fever;
- Valsartan and Hydrochlorothiazide Tablets USP, which is intended for the treatment of hypertension, with symptoms including, without limitation, headache, fatigue or confusion, and chest pain;
- Trandolapril Tablets USP, which is intended for the treatment of hypertension, with symptoms including, without limitation, headache, fatigue or confusion, and chest pain;
- Tramadol Hydrochloride Extended-Release Tablets USP, which is intended for the treatment of moderate to moderately severe chronic pain, with symptoms including, without limitation, stiffness and fatigue;
- Telmisartan and Hydrochlorothiazide Tablets USP, which is intended for the treatment of hypertension, with symptoms including, without limitation, headache, fatigue or confusion, and chest pain;
- Telmisartan and Amlodipine Tablets, which is intended for the treatment of hypertension, with symptoms including, without limitation, headache, fatigue or confusion, and chest pain;
- Sertraline Hydrochloride Tablets, which is intended for the treatment of major depressive disorder, panic disorder, and premenstrual dysphoric disorder among other diseases, with symptoms including, without limitation, fatigue, headaches, chest pain, shortness of breath, and joint or muscle pain;
- Rifampin Capsules, which is intended for the treatment of all forms of tuberculosis (TB); also used to treat patients who do not have meningitis but carry the meningitis bacteria in their nose and throat that may spread bacteria to others. (Rifampin capsules do not treat meningitis.) Symptoms of the foregoing include, without limitation, chest pain, fatigue, and fever;
- Repaglinide and Metformin Hydrochloride Tablets, which is intended for the treatment of Type 2 diabetes, with symptoms including, without limitation, fatigue;
- Ramipril capsules, which is intended for the treatment of hypertension, with symptoms including, without limitation, headache, fatigue or confusion, and chest pain;
- Quinine Sulfate Capsules USP, which is intended for the treatment of uncomplicated *Plasmodium falciparum* malaria, with symptoms including, without limitation, fatigue, headache, and anemia;
- Quinapril Tablets USP, which is intended for the treatment of hypertension and heart failure, with symptoms including, without limitation, headache, fatigue or confusion, chest pain, shortness of breath, and swelling (edema) in the legs, ankles and feet;
- Potassium Chloride Extended-Release Capsules USP, which is intended for the treatment of low blood levels of potassium (hypokalemia), with symptoms including, without limitation, fatigue;
- Metformin Hydrochloride ER Tablets, which is as an adjunct to diet and exercise to improve glycemic control in adults with type 2 diabetes mellitus, with symptoms including, without limitation, fatigue;

- Meloxicam Tablets, which is intended for the treatment of arthritis, with symptoms including, without limitation, fatigue, joint pain, joint swelling, joint stiffness, anemia, and fever;
- Mefenamic Acid Capsules USP, which is intended for the treatment of painful arthritis and pain associated with menorrhagia (heavy menstrual bleeding), with symptoms including, without limitation, fatigue, joint pain, joint swelling, joint stiffness, anemia, fever, and shortness of breath;
- Losartan Potassium and Hydrochlorothiazide Tablets USP, which is intended for the treatment of hypertension, with symptoms including, without limitation, headache, fatigue or confusion, and chest pain;
- Losartan Potassium Tablets USP, which is intended for the treatment of hypertension and diabetic nephropathy (diabetic kidney disease) with an elevated serum creatinine and proteinuria in patients with type 2 diabetes and a history of hypertension, with symptoms including, without limitation, headache, fatigue or confusion, chest pain, and swelling (edema), first in the feet and legs;
- Lisinopril and Hydrochlorothiazide Tablets USP, which is intended for the treatment of hypertension, with symptoms including, without limitation, headache, fatigue or confusion, and chest pain;
- Lisinopril Tablets USP, which is intended for the treatment of hypertension and acute myocardial infarction, with symptoms including, without limitation, headache, fatigue or confusion, chest pain, and shortness of breath;
- Levofloxacin Hemihydrate Tablets USP, which is intended for the treatment of acute bacterial sinusitis; community-acquired pneumonia; chronic bacterial prostatitis, inhalational Anthrax, post-exposure; urinary tract infections (complicated and uncomplicated); and acute pyelonephritis, among other diseases, with symptoms including, without limitation, fever, chest pain, fatigue, shortness of breath, and confusion;
- Irbesartan and Hydrochlorothiazide Tablets, which is intended for the treatment of hypertension, with symptoms including, without limitation, headache, fatigue or confusion, and chest pain;
- Irbesartan Tablets, which is intended for the treatment of hypertension and diabetic nephropathy in hypertensive patients with type 2 diabetes, an elevated serum creatinine, and proteinuria, with symptoms including, without limitation, headache, fatigue or confusion, chest pain, and swelling (edema), first in the feet and legs;
- Imipramine Pamoate Capsules, which is intended for the treatment of depression, with symptoms including, without limitation, fatigue;
- Ethambutol HCl Tablets, which is intended for the treatment of pulmonary tuberculosis, with symptoms including, without limitation, fever, chest pains, and fatigue;
- Duloxetine HCl Capsules, which is intended for the treatment of generalized anxiety disorder, diabetic peripheral neuropathic pain, and chronic musculoskeletal pain, among other diseases, with symptoms including, without limitation, fatigue, headaches, and joint pain;
- Doxycycline Monohydrate Caps / Oral Suspension, which is intended for the treatment of Rocky Mountain spotted fever, typhus fever and the typhus group, Q fever, rickettsialpox, and tick fevers caused by *Rickettsiae*; respiratory tract infections caused by *Mycoplasma pneumoniae*; Lymphogranuloma venereum caused by *Chlamydia*

trachomatis; and Psittacosis (ornithosis) caused by *Chlamydia psittaci*, among other diseases, with symptoms including, without limitation, headache, fever, confusion, muscle pain, joint pain, and fatigue;

- Diclofenac Sodium Topical Solution, which is intended for the treatment of osteoarthritis of the knee(s), with symptoms including, without limitation, swelling;
- Desloratadine Tablets, which is intended for the treatment of perennial allergic rhinitis, among other diseases, with symptoms including, without limitation, headaches and fatigue;
- Cephalexin Capsules USP, which is intended for the treatment of respiratory tract infection and bone infections, among other diseases, with symptoms including, without limitation, fever and fatigue;
- Celecoxib Capsules, which is intended for the treatment of rheumatoid arthritis, among other diseases, with symptoms including, without limitation, fatigue and fever;
- Cefuroxime Axetil Tablets, which is intended for the treatment of pharyngitis/tonsillitis and early Lyme disease, among other diseases, with symptoms including, without limitation, headache, fatigue, and fever;
- Ceftriaxone Injectable, which is intended for the treatment of bacterial septicemia and meningitis, among other diseases, with symptoms including, without limitation, fever, headache, confusion, and rash;
- Cefprozil Tablets / Oral Suspension, which is intended for the treatment of pharyngitis/tonsillitis, among other diseases, with symptoms including, without limitation, headache, fatigue, and fever;
- Cefixime for Oral Suspension USP, which is intended for the treatment of pharyngitis and tonsillitis, among other diseases, with symptoms including, without limitation, headache, fatigue, and fever;
- Cefdinir Oral Suspension, which is intended for the treatment of pharyngitis and tonsillitis, among other diseases, with symptoms including, without limitation, headache, fatigue, and fever;
- Cefadroxil Oral Suspension, which is intended for the treatment of pharyngitis and/or tonsillitis caused by *Streptococcus pyogenes* (Group A beta-hemolytic streptococci), among other diseases, with symptoms including, without limitation, headache, fatigue, and fever;
- Calcium Acetate Capsules, which is intended for the reduction of serum phosphorus in patients with end stage renal disease, with symptoms including, without limitation, fatigue, headaches, and confusion;
- Azithromycin Tablets, which is intended for the treatment of mild to moderate infections caused by designated, susceptible bacteria – mycobacterial infections, with symptoms including, without limitation, fatigue and fever;
- Amlodipine and Valsartan Tablets, which is intended for the treatment of hypertension—to lower blood pressure, with symptoms including, without limitation, headache, fatigue or confusion, and chest pain;
- Amlodipine and Benazepril Hydrochloride Capsules, which is intended for the treatment of hypertension in patients not adequately controlled on monotherapy with either agent, with symptoms including, without limitation, headache, fatigue or confusion, and chest pain;

- Amlodipine Besylate Tablets, which is intended for the treatment of hypertension and coronary artery disease, with symptoms including, without limitation, headache, fatigue or confusion, chest pain, and shortness of breath;
- Amlodipine, Valsartan and Hydrochlorothiazide Tablets, which is intended for the treatment of hypertension, with symptoms including, without limitation, headache, fatigue or confusion, and chest pain; and
- Abacavir, Lamivudine and Zidovudine Tablets, which is intended, in combination with other antiretroviral agents, for the treatment of HIV-1 infection, with symptoms including, without limitation, fever, headaches, shortness of breath, and confusion.

INTERROGATORY NO. 8: Identify any other product or good that is manufactured, sold or licensed, or has been manufactured, sold or licensed, by Opposer which relates to Lupus.

RESPONSE TO INTERROGATORY NO. 8:

Opposer objects to this Interrogatory as vague, ambiguous, and requiring speculation and subjective judgment as to the meaning of the term “relates to.” Subject to and without waiver of the foregoing general and specific objections, Opposer has not and does not manufacture, sell or license a pharmaceutical product or any other “product or good” that is intended only for the treatment of Lupus or otherwise “related to” Lupus only. Opposer affirmatively avers that it manufactures, distributes, advertises, and promotes a number of pharmaceutical products, both branded and generic, all under the Lupin Trademarks, as identified in response to Interrogatory No. 7, that may be used to treat common symptoms of Lupus. In conjunction with the foregoing, Opposer provides various collateral goods.

INTERROGATORY NO. 9: Identify all services (including without limiting, all educational, counseling and support services) that are or have ever been provided by Opposer to Lupus patients and/or which relate to Lupus, the treatment of Lupus and/or clinical trials relating to Lupus.

RESPONSE TO INTERROGATORY NO. 9:

Opposer objects to this Interrogatory as overly broad and not proportional to the needs of this case. Opposer objects to this Interrogatory as vague, ambiguous, and requiring speculation and subjective judgment as to the meaning of the term “relate to” or “relating to.” Subject to and

products as well as both branded and generic products, as well as Opposer's services is overly broad, unduly burdensome and not relevant to or proportional to the needs of this case. Opposer further objects to this Interrogatory as it is not limited to use in United States commerce.

Opposer objects to this Interrogatory to the extent it is cumulative and duplicative of Interrogatory No. 5. As such, Opposer incorporates, by reference, its response to Interrogatory No. 5. Subject to and without waiver of the foregoing general and specific objections, Opposer used the word mark LUPIN in commerce for its pharmaceutical products at least as early as July 1, 2005.

INTERROGATORY NO. 14: Identify all documents, receipts, purchase orders, invoices, labels, packaging, or any writing whatsoever which Opposer will rely upon to establish the products and services identified in response to Interrogatory No. 13 above and/or to establish the date(s) specified in response to Interrogatory No. 13 above.

RESPONSE TO INTERROGATORY NO. 14:

Opposer incorporates by reference its objections to Interrogatory No. 13. Opposer further objects to this Interrogatory as overly broad, unduly burdensome, and not proportional to the needs of this case. Opposer objects to this Interrogatory as vague, ambiguous, and requiring speculation and subjective judgment as to the meaning of "establish." Subject to and without waiver of the foregoing general and specific objections, Opposer will provide responsive documents under Fed. R. Civ. P. 33(d) regarding its first sale in United States commerce. Opposer reserves the right to amend and supplement this response should additional documents be identified.

INTERROGATORY NO. 15: Identify and describe each product and service offered for sale, sold, or provided by Opposer under or using the Lupin Design Mark and the exact first date(s) of such use.

RESPONSE TO INTERROGATORY NO. 15:

Opposer objects to this Interrogatory as overly broad, unduly burdensome, and not proportional to the needs of this case. The “exact first date” of use of each and every one of Opposer’s full line of pharmaceutical products, including both current and discontinued products as well as both branded and generic products, as well as Opposer’s services is overly broad, unduly burdensome and not relevant to, or proportional to, the needs of this case. Opposer further objects to this Interrogatory as it is not limited to use in United States commerce. Opposer objects to this Interrogatory to the extent it is cumulative and duplicative of Interrogatory No. 5. As such, Opposer incorporates, by reference, its response to Interrogatory No. 5. Subject to and without waiver of the foregoing general and specific objections, Opposer used the Lupin Design Mark in commerce for its pharmaceutical products at least as early as 2005.

INTERROGATORY NO. 16: Identify all documents, receipts, purchase orders, invoices, labels, packaging, or any writing whatsoever which Opposer will rely upon to establish the products and services identified in response to Interrogatory No. 15 and/or to establish the date(s) specified in response to Interrogatory No. 15 above.

RESPONSE TO INTERROGATORY NO. 16:

Opposer incorporates by reference its objections to Interrogatory No. 15. Opposer further objects to this Interrogatory as overly broad, unduly burdensome, and not proportional to the needs of this case. Opposer objects to this Interrogatory as vague, ambiguous, and requiring speculation and subjective judgment as to the meaning of “establish.” Subject to and without waiver of the foregoing general and specific objections, Opposer will provide responsive documents under Fed. R. Civ. P. 33(d) regarding its first sale in United States commerce of products bearing the Lupin Trademark. Opposer reserves its right to amend and supplement its response to this Interrogatory in the event additional responsive information or documentation is identified by Opposer in its continuing search of its records.

INTERROGATORY NO. 17: Identify and describe the channels of distribution in the United States through which Opposer promotes, advertises, distributes, sells, and/or provides Opposer's Products and Services.

RESPONSE TO INTERROGATORY NO. 17:

Opposer objects to this Interrogatory on the ground that it is vague, ambiguous, and compound. Without waiver of the foregoing general and specific objections, Opposer promotes, advertises, distributes, sells, and/or provides Opposer's Products and Services through many different channels of trade. Opposer provides products, both generic and branded, to wholesalers including, without limitation, AmeriSource Bergen Corporation, Red Oak, and Walgreens Boots Alliance. These wholesalers, in turn, distribute Opposer's products bearing the Lupin trademark to consumers throughout the United States. Channels of trade in which Opposer's products are available to the ultimate consumer include major retail chains such as CVS, Walgreens, WalMart and grocery store chains including, without limitation, Giant and Harris Teeter. Opposer's products also are offered and sold to various federal government agencies and programs including, without limitation, the Department of Veterans Affairs, federal prisons, and Medicare and Medicaid. Advertising for Opposer's products under the name and mark LUPIN (including, without limitation, the Lupin Design Mark) is conducted through various channels and media including Opposer's website; internet banner ads; internet pop-up ads; television infomercials; advertisements in medical journals and pharmaceutical trade journals; pharmaceutical bulletins; specialty consumer medical publications; and underwriting and/or sponsorship of pharmaceutical seminars and medical seminars. Opposer also provides patient assistance rebate programs to consumers of Opposer's Products and Services in the general U.S. public using the word mark LUPIN and Lupin Design Mark.

evidence in support of the allegations made in Opposer's Notice of Opposition including, without limitation, in Opposer's Notice of Reliance and through testimonial depositions.

INTERROGATORY NO. 22: Identify all facts on which the Opposer relies or intends to rely upon in support of its contention set forth in paragraph 11 of the Notice of Opposition that Ampel's use of the mark LuPPiN is likely to cause confusion, deception or mistake among consumers.

RESPONSE TO INTERROGATORY NO. 22:

See Response to Interrogatory 21.

INTERROGATORY NO. 23: Identify all facts on which the Opposer relies or intends to rely upon in support of its contention set forth in paragraph 11 of the Notice of Opposition that consumers are likely to mistakenly believe that the LUPPIN Services (as defined in the Notice of Opposition) are provided by Opposer and/or concern or relate to LUPIN-branded pharmaceutical products.

RESPONSE TO INTERROGATORY NO. 23:

See Response to Interrogatory 21.

INTERROGATORY NO. 24: Identify all facts on which the Opposer relies or intends to rely upon in support of its contention set forth in paragraph 11 of the Notice of Opposition that consumers are likely to believe mistakenly that the LUPPIN Services are intended to provide support for patients who take LUPIN-branded pharmaceuticals.

RESPONSE TO INTERROGATORY NO. 24:

See Response to Interrogatory 21.

INTERROGATORY NO. 25: Describe with specificity all instances of actual confusion known to Opposer between Opposer's Products and Services and any of Applicant's services.

RESPONSE TO INTERROGATORY NO. 25:

Opposer is not presently aware of instances of actual confusion, and notes that there is little to no evidence that Applicant has actually used its claimed mark in connection with its services, *see, e.g.*, Respondent's Supplemental Answers to Opposer's First Set of Interrogatories, Nos. 4, 11; Respondent's Supplemental (sic) Responses to Opposer's First Set of Requests for

Production of Documents, No. 12. Opposer reserves the right to amend this Response should additional information become available.

INTERROGATORY NO. 26: Identify by name and address all individuals or organizations, past and present, responsible for the promotion, advertising, and/or marketing of Opposer's Products and Services sold, distributed, or provided using the work mark LUPIN or the Lupin Design Mark.

RESPONSE TO INTERROGATORY NO. 26:

Opposer objects to this Interrogatory as overly broad, unduly burdensome, and not proportional to the needs of this case. Opposer has retained several agencies and hundreds of vendors in conjunction with its promotion, advertising, and/or marketing of Opposer's pharmaceutical products, such that identifying all individuals or organizations would be unduly burdensome. Subject to and without waiver of the foregoing general and specific objections, Opposer identifies the following advertising agencies that are most knowledgeable regarding Opposer's promotion, advertising, and/or marketing of Opposer's Products and Services under the word mark LUPIN and/or the Lupin Design Mark:

CCG Marketing Solutions
bfw Advertising
Brand Equity Rx
HealthLogiX LLC
DoctorDirectory.Com Inc.
Arches Technology
Paratus Health Systems
Asembia, LLC
Atom Strategic Consulting
CoverMyMeds LLC
3D Exhibits, Inc
Viscacia Inc

As to objections,

Signed this 8th day of March, 2017

POWLEY & GIBSON, P.C.

/s/ Thomas H. Curtin

Robert L. Powley
Thomas H. Curtin
Suzanna M. M. Morales

304 Hudson Street, Suite 202
New York, New York 10013
Telephone: (212) 226-5054
Facsimile: (212) 226-5085

Attorneys for Opposer

CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of March, 2017, a true and correct copy of the foregoing OPPOSER'S FIRST AMENDED RESPONSES TO APPLICANT'S FIRST SET OF INTERROGATORIES was served on counsel of record for the Applicant via email, by agreement of the parties, to the following address:

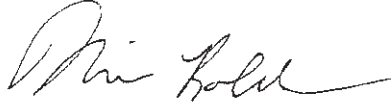
Patrick Asplin, Esq.
pca@lplaw.com
Lenhart Pettit
530 East Main Street
P.O. Box 2057
Charlottesville, VA 22902

/s/ Thomas H. Curtin

Thomas H. Curtin

VERIFICATION

As to the facts stated herein, I swear that they are true to my personal knowledge or based upon my review of the records of Lupin Pharmaceuticals, Inc.



Signature

Nicholas Bolash

Name

Associate Corporate Counsel

Title

March 8, 2017

Date

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

EXHIBIT EE

TO

OPPOSER'S NOTICE OF RELIANCE IN REBUTTAL

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

LUPIN PHARMACEUTICALS, INC.,

Opposer,

Proceeding No. 91226322
Application Serial No. 86/509184
Mark: LuPPiN

v.

AMPEL, LLC,

Respondent.

**RESPONDENT'S SUPPLEMENTAL ANSWERS TO OPPOSER'S
FIRST SET OF INTERROGATORIES**

Respondent/Applicant, Ampel, LLC ("Ampel"), by counsel and pursuant to the applicable provisions of 37 C.F.R. 2.120 and Rules 33, 34 and 36 of the Federal Rules of Civil Procedure ("FRCP"), hereby supplements its answers to Opposer Lupin Pharmaceutical, Inc.'s ("Lupin") First Set of Interrogatories, which answers were served on October 17, 2016 as follows:

OBJECTIONS

Ampel repeats and adopts herein all of the general objections and specific objections set forth in its Answers to Lupin's First Set of Interrogatories, which answers were served on October 17, 2016, and all such general objections and specific objections shall apply to these supplemental answers to Lupin's First Set of Interrogatories. Subject to such objections, which are incorporated into each specific answer, and without waiver thereof, Ampel supplements its answers to Lupin's First Set of Interrogatories as follows:

SUPPLEMENTAL ANSWERS TO INTERROGATORIES

INTERROGATORY NO. 1: Identify each officer, director and shareholder of Applicant, including title and date(s).

SUPPLEMENTAL ANSWER: There are not, and have never been, any officers, directors or members of Ampel other than Dr. Lipsky and Dr. Grammer.

INTERROGATORY NO. 4: Identify and describe each service offered for sale, sold or intended for sale by Applicant using Applicant's Trademark.

ANSWER: Ampel has not "sold" any services under the LuPPiN mark. LuPPiN is a network of patients and caregivers designed to provide support and education to patients undergoing clinical trials of Lupus treatments. The primary activities of the LuPPiN network to date have been organizing and developing the network through promotion at medical conferences. Ampel has also been working to develop an appropriate training manual to be used for support groups and educational seminars offered as part of LuPPiN. A working draft of this manual emanated from a comprehensive meeting of patients and experts which was held in Washington, D.C. on March 24, 2016. A planning seminar to review the existing draft and make final revisions is scheduled to be held in New York City on December 14, 2016.

INTERROGATORY NO. 11: List all geographical areas (*by city and/or state*) in which Applicant has sold or sells Applicant's Services under Applicant's Trademark.

ANSWER: As set forth in its Answer to Interrogatory No. 4 above, Ampel has not "sold" any services under the LuPPiN mark. The primary activities relating to the development and activities of the LuPPiN network have occurred in Charlottesville, Virginia and Washington, DC.

INTERROGATORY NO. 12: List all publications in the United States which Applicant

/s/ Patrick Asplin
PATRICK C. ASPLIN (VSB #46620)
ANDREW B. STOCKMENT (VSB #79112)
Of Lenhart Pettit
530 East Main Street
PO Box 2057
Charlottesville, Virginia 22902
(434) 979-1400
(434) 977-5109 (Fax)
Counsel for Applicant/Respondent

CERTIFICATE OF SERVICE

I hereby certify that on December 2, 2016, I sent the foregoing *Respondent's Supplemental Answers to Opposer's First Set of Interrogatories* to the Opposer's attorneys by email to the email addresses listed below:

Thomas H. Curtin, Esq.
Powley & Gibson, P.C.
304 Hudson Street, 2nd Floor
New York, NY 10013
thcurtin@powleygibson.com
Counsel for Opposer/Petitioner

/s/ Patrick Asplin
Counsel for Respondent

VERIFICATION OF ANSWERS TO INTERROGATORIES

BEFORE ME, the undersigned, personally appeared Amrie Grammer, Chief Operating Officer of Ampel, LLC, who being first duly sworn by me, said that she has read Respondent's First Supplemental Answers to Opposer's First Set of Interrogatories and that the answers thereto are true and correct to the best of her knowledge and belief.

AMPEL, LLC

By: Amrie C. Grammer
Amrie Grammer, COO

COMMONWEALTH OF VIRGINIA,

CITY/COUNTY OF Albemarle, to-wit:

Subscribed, sworn to and acknowledged before me on this 1 day of December, 2016 by Amrie Grammer in her capacity as Chief Operating Officer of Ampel, LLC.

My commission expires: 11/30/2020.

John S. Ralston
NOTARY PUBLIC

Registration No.: 7695082



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- : Opposition No. 91226322
AMPEL, LLC, :
Applicant. :
-----X

EXHIBIT FF

TO

OPPOSER'S NOTICE OF RELIANCE IN REBUTTAL

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

LUPIN PHARMACEUTICALS, INC.,

Opposer,

v.

AMPEL, LLC,

Applicant.

Proceeding No. 91226322

Application Serial No.: 86/509184

**OPPOSER'S SECOND AMENDED RESPONSES TO
APPLICANT'S FIRST SET OF INTERROGATORIES**

Pursuant to Fed. R. Civ. P. 26 and 33, Opposer, Lupin Pharmaceuticals, Inc., (“Opposer”), by and through its undersigned attorneys, hereby submits the following second amended responses to Applicant Ampel, LLC’s (“Applicant”) First Set of Interrogatories to Opposer (“Interrogatories”) as follows. Opposer reserves the right to supplement, amend or correct these responses based upon information that may become known through additional discovery or any other means.

Applicant’s supplemental responses to Interrogatory Nos. 10 and 11 are designated as Confidential Attorneys’ Eyes Only.

GENERAL RESPONSES AND OBJECTIONS

The following second amended responses hereby incorporate the General Responses and Objections set forth in Opposer’s Responses and Objections to Applicant’s First Set of Requests for the Production of Documents and Things to Opposer. The individuals identified herein as current employees of Opposer and can be reached through Powley & Gibson, P.C.

The foregoing individuals can be reached through Opposer's attorneys, Powley & Gibson, P.C.

INTERROGATORY NO. 2: Identify each person or entity that is or was a predecessor-in-interest, parent, subsidiary, and/or affiliate of Opposer.

AMENDED RESPONSE TO INTERROGATORY NO. 2:

Opposer objects to this Interrogatory as overly broad, unduly burdensome, and not proportional to the needs of this case. Opposer objects to this Interrogatory as vague, ambiguous, and requiring speculation and subjective judgment as to the meaning of the term "affiliate." Opposer objects to this Interrogatory on the basis that information regarding entities doing business wholly outside of the United States is not relevant to this proceeding. Subject to and without waiver of the foregoing general and specific objections, Opposer states that it is the wholly-owned subsidiary of Lupin Inc., that Opposer has no subsidiaries and, based on Opposer's interpretation of the meaning of "affiliate", identifies Gavis Pharmaceuticals, Novel Laboratories Inc. d/b/a Lupin Somerset, and Symbiomix Therapeutics LLC as its affiliated companies.

INTERROGATORY NO. 5: Identify all pharmaceutical products and drugs that are sold or marketed under the word mark LUPIN and/or the Lupin Design Mark.

AMENDED RESPONSE TO INTERROGATORY NO. 5:

Opposer objects to this Interrogatory as overly broad, unduly burdensome, and not proportional to the needs of this case. Subject to and without waiver of the foregoing general and specific objections, Opposer identifies the following products by their generic or non-proprietary name or, where applicable, Opposer's product name, and therapeutic category:

Abacavir and Lamivudine Tablets – Antiretroviral Agents

Amabelz™ Tablets – Hormone Replacement Therapy

Amlodipine Besylate Tablets – Calcium Channel Blocker

Amlodipine Besylate and Benazepril Hydrochloride Capsules – Antihypertensive Combination
 Amlodipine and Valsartan Tablets – Antihypertensive
 Amlodipine, Valsartan, HCTZ Tablets – Antihypertensive
 Armodafinil Tablets – CNS (central nervous system) Stimulant
 Azithromycin Tablets – Antibiotic
 Bekyree™ Tablets – Oral Contraceptive
 Bimatoprost Ophthalmic Solution – Antiglaucoma
 Blisovi™ Tablets – Oral Contraceptive
 Bupropion Hydrochloride Extended-Release Tablet USP – Antidepressant
 Calcium Acetate Capsules – Antihyperphosphatemic
 Cefadroxil Capsules – Cephalosporin Antibiotic
 Cefadroxil Oral Suspension – Cephalosporin Antibiotic
 Cefdinir Capsules – Cephalosporin Antibiotic
 Cefdinir Oral Suspension – Cephalosporin Antibiotic
 Cefixime Oral Suspension – Cephalosporin Antibiotic
 Cefprozil Oral Suspension – Cephalosporin Antibiotic
 Cefprozil Tablets – Cephalosporin Antibiotic
 Ceftriaxone Sodium Injection – Cephalosporin Antibiotic
 Cefuroxime axetil Tablets – Cephalosporin Antibiotic
 Celecoxib Capsules – Anti-arthritic
 Cephalixin Capsules – Cephalosporin Antibiotic
 Cephalixin Oral Suspension – Cephalosporin Antibiotic
 Ciprofloxacin for Oral Suspension – Anti-infective
 Daysee™ - Oral Contraceptive
 Desloratadine Tablets – Antihistamine
 Desoximetasone Cream USP – Corticosteroid, Strong
 Desoximetasone Ointment USP – Corticosteroid, Strong
 Desvenlafaxine Succinate ER Tablets – Serotonin and norepinephrine reuptake Inhibitor (SNRI)
 Dexamethylphenidate HCl Tablets – CNS (central nervous system) Stimulant
 Dextroamphetamine Sulfate Tablets USP – CNS (central nervous system) Stimulant
 Diclofenac Sodium Topical Solution – Anti-Inflammatory
 Donepezil Hydrochloride Tablets – Anti-alzheimer's agent
 Doxycycline Capsules – Anti-Infectives
 Doxycycline for Oral Suspension USP – Broad-spectrum Antibiotic
 Doxycycline Hyclate Tablets USP – Antibiotics
 Drospirenone & Ethinyl Estradiol Tablets – Oral Contraceptive
 Duloxetine Hydrochloride DR Capsules USP – Antidepressant
 Enskyce™ - Oral Contraceptive
 Escitalopram Oxalate Tablet – Antidepressant
 Eszopiclone Tablets, CIV – Anxiolytics - Sedatives - Hypnotics
 Ethambutol Tablets – Antimycobacterial agent
 Famotidine for Oral Suspension – Histamine H2-Receptor antagonist
 Fayosim™ Tablets - Oral Contraceptive
 Fenofibrate Tablets – Antihyperlipidemic agent
 Fenofibric Acid DR Capsules – Antihyperlipidemic agent
 Fluocinolone Acetonide Topical Solution USP – Corticosteroid

Fyavolv™ Tablets – Hormone Replacement Therapy
 Gatifloxacin Ophthalmic Solution – Anti-Infectives
 GaviLAX (PEG3350) Powder for Oral Solution – Laxative
 GaviLyte™-C Oral Solution with Flavor Pack – Laxative, Hyperosmotic
 Hydrocodone Bitartrate & Acetaminophen Tablets USP – Opioid / Acetaminophen Combination
 Hydrocodone Bitartrate & Homatropine Methylbromide Tablets – Cough & Cold
 Imipramine Pamoate Capsules – Antidepressant
 Irbesartan and Hydrochlorothiazide Tablets USP – Angiotensin II Receptor antagonist w/
 Diuretic
 Irbesartan Tablets USP – Angiotensin II Receptor antagonist
 Jencycla™ Tablets – Oral Contraceptive
 Kaitlib™ Fe Tablets – Oral Contraceptive
 Kurvelo™ - Oral Contraceptive
 Lamivudine Tablets – Antivirals
 Lamivudine and Zidovudine Tablets – Antiretroviral agent
 Lanthanum Carbonate Chewable Tablets – Phosphate Binder
 Levetiracetam Tablets – Anticonvulsant
 Levetiracetam Oral Solution USP – Antiepileptic
 Levetiracetam ER Tablets – Antiepileptic
 Levofloxacin Tablets – Fluoroquinolone Antibacterial
 Levonorgestrel and Ethinyl Estradiol Tablets USP – Oral Contraceptive
 Lisinopril Tablets – ACE (Angiotensin-converting enzyme) Inhibitor
 Lisinopril/HCTZ Tablets – ACE (Angiotensin-converting enzyme) Inhibitor with Diuretic
 Losartan Potassium Tablets USP – Angiotensin II Receptor antagonist
 Losartan Potassium and Hydrochlorothiazide Tablets – Angiotensin II Receptor antagonist w/
 Diuretic
 Lovastatin Tablets – HMG Coa Reductase Inhibitor
 Mefenamic acid Capsules – NSAID (nonsteroidal anti-inflammatory drug)
 Meloxicam Tablets – NSAID
 MemAntine HCl Tablets USP – NMDa Receptor antagonist
 Metformin HCl ER Tablets – Biguanide Antihyperglycemics
 Metformin Hydrochloride Extended-Release Tablets USP – Antihyperglycemic
 Methylphenidate HCl Chewable Tablets – CNS Stimulant
 Methylphenidate HCl Tablets USP – CNS Stimulant
 Metoclopramide HCl Orally Disintegrating Tablets – Antiemetic
 Mibelas™ 24 Fe Tablets – Oral Contraceptive
 Misoprostol Tablets – Endocrine-Metabolic Agent
 Morphine Sulfate ER Tablets – Opioid analgesic
 Moxifloxacin Ophthalmic Solution USP – Antibiotic
 My Way™ - Oral Contraceptive
 Nabumetone Tablets – Antiarthritics
 Niacin ER Tablets USP – Antilipemic
 Nifedipine Soft Gel Capsules USP – Cardiovascular Agent
 Nikki™ - Oral Contraceptive
 Nitrofurantoin Oral Suspension USP – Antibiotic
 Norethindrone Tablets – Oral Contraceptive

Norgestimate and Ethinyl Estradiol Tablets USP – Oral Contraceptive
Nystatin Topical Powder USP – Antifungal
Olmesartan Medoxomil Tablets – Cardiovascular Agent
Orphenadrine Citrate ER Tablets – Skeletal Muscle Relaxant, Centrally Acting
Oxycodone HCl Oral Solution USP – Narcotic Analgesic
Paroxetine HCl ER Tablets USP – Antidepressant
Pentazocine & Naloxone Tablets USP – Opioid Analgesic, Adjunct to Anesthesia
Phenelzine Sulfate Tablets USP – Opioid Analgesic, Adjunct to Anesthesia
Pirmella™ - Oral Contraceptive
Potassium Chloride ER Capsules USP – Electrolyte Replenisher
Pravastatin Sodium Tablets – HMG Coa Reductase Inhibitor
Quetiapine Fumarate Extended-Release Tablets – Antipsychotic
Quetiapine Fumarate Tablets – Antipsychotic
Quinapril & HCTZ Tablets – ACE Inhibitor/thiazide diuretic
Quinapril Tablets – ACE inhibitor
Quinine Sulfate Capsules USP – Musculoskeletal agent
Rabeprazole Na DR Tablets – Proton Pump Inhibitor
Ramipril Capsules – ACE inhibitor
Repaglinide and Metformin HCl Tablets – Anti-Diabetics
Rifabutin Capsules USP – Antitubercular
Rifampin Capsules USP – Antitubercular
Sertraline HCl – SSRI (selective serotonin reuptake inhibitors)
Simvastatin Tablets – HMG Coa Reductase Inhibitor
Telmisartan & Amlodipine Tablets – Antihypertensive
Telmisartan & HCTZ Tablets – HCT Angiotensin II Receptor antagonist
Tinidazole Tablets – Antibiotic
Tramadol HCl ER Tablets – ER analgesic
Trandolapril Tablets – ACE inhibitor
Trimethoprim Tablets USP – Antibiotic
Trimethobenzamide HCl Capsules USP – Antiemetic
Tri-Lo-Marzia™ Tablets – Oral Contraceptive
Valsartan & Hydrochlorothiazide Tablets USP – Angiotensin Receptor Blocker w/ Diuretic
Vancomycin HCl Capsules USP – Antibiotic
Voriconazole Oral Suspension – Antifungal
Vyfemla™ - Oral Contraceptive
Wymzya™ - Oral Contraceptive
Ziprasidone HCl Capsules – Antipsychotic
Zolpidem ER Tablets – Sedative/Hypnotic
Zolpidem Tartrate Sublingual Tablets – Sedative- hypnotic

INTERROGATORY NO. 7: Identify each pharmaceutical product and drug that is manufactured, sold or licensed, or has been manufactured, sold or licensed, by Opposer which is approved for, marketed for, and/or intended to, treat Lupus.

AMENDED RESPONSE TO INTERROGATORY NO. 7:

Opposer objects to this Interrogatory as vague and ambiguous due to the compound nature of the request. Subject to and without waiver of the foregoing general and specific objections, Opposer does not market, sell or license a pharmaceutical product intended only for the treatment of Lupus. Opposer however affirmatively avers that Opposer markets and sells pharmaceutical products that can be used in connection with the treatment of Lupus, such as nonsteroidal anti-inflammatory drug (NSAIDs) including celecoxib and anti-malarials. Many of Opposer's pharmaceutical products are approved for, and marketed for the treatment of a wide range of diseases and conditions, including the treatment of certain common symptoms of Lupus such as fever; headache; fatigue; confusion; chest pain; stiffness; shortness of breath; joint or muscle pain; anemia; shortness of breath; swelling (edema) in the legs, ankles, and feet; joint swelling; and rash. These products include the following:

- Vancomycin Hydrochloride Caps USP, which is intended for the treatment of C. difficile-associated diarrhea and Enterocolitis caused by Staphylococcus aureus (including methicillin-resistant strains), with symptoms including, without limitation, fever;
- Valsartan and Hydrochlorothiazide Tablets USP, which is intended for the treatment of hypertension, with symptoms including, without limitation, headache, fatigue or confusion, and chest pain;
- Trandolapril Tablets USP, which is intended for the treatment of hypertension, with symptoms including, without limitation, headache, fatigue or confusion, and chest pain;
- Tramadol Hydrochloride Extended-Release Tablets USP, which is intended for the treatment of moderate to moderately severe chronic pain, with symptoms including, without limitation, stiffness and fatigue;
- Telmisartan and Hydrochlorothiazide Tablets USP, which is intended for the treatment of hypertension, with symptoms including, without limitation, headache, fatigue or confusion, and chest pain;
- Telmisartan and Amlodipine Tablets, which is intended for the treatment of hypertension, with symptoms including, without limitation, headache, fatigue or confusion, and chest pain;

- Sertraline Hydrochloride Tablets, which is intended for the treatment of major depressive disorder, panic disorder, and premenstrual dysphoric disorder among other diseases, with symptoms including, without limitation, fatigue, headaches, chest pain, shortness of breath, and joint or muscle pain;
- Rifampin Capsules, which is intended for the treatment of all forms of tuberculosis (TB); also used to treat patients who do not have meningitis but carry the meningitis bacteria in their nose and throat that may spread bacteria to others. (Rifampin capsules do not treat meningitis.) Symptoms of the foregoing include, without limitation, chest pain, fatigue, and fever;
- Repaglinide and Metformin Hydrochloride Tablets, which is intended for the treatment of Type 2 diabetes, with symptoms including, without limitation, fatigue;
- Ramipril capsules, which is intended for the treatment of hypertension, with symptoms including, without limitation, headache, fatigue or confusion, and chest pain;
- Quinine Sulfate Capsules USP, which is intended for the treatment of uncomplicated *Plasmodium falciparum* malaria, with symptoms including, without limitation, fatigue, headache, and anemia;
- Quinapril Tablets USP, which is intended for the treatment of hypertension and heart failure, with symptoms including, without limitation, headache, fatigue or confusion, chest pain, shortness of breath, and swelling (edema) in the legs, ankles and feet;
- Potassium Chloride Extended-Release Capsules USP, which is intended for the treatment of low blood levels of potassium (hypokalemia), with symptoms including, without limitation, fatigue;
- Metformin Hydrochloride ER Tablets, which is as an adjunct to diet and exercise to improve glycemic control in adults with type 2 diabetes mellitus, with symptoms including, without limitation, fatigue;
- Meloxicam Tablets, which is intended for the treatment of arthritis, with symptoms including, without limitation, fatigue, joint pain, joint swelling, joint stiffness, anemia, and fever;
- Mefenamic Acid Capsules USP, which is intended for the treatment of painful arthritis and pain associated with menorrhagia (heavy menstrual bleeding), with symptoms including, without limitation, fatigue, joint pain, joint swelling, joint stiffness, anemia, fever, and shortness of breath;
- Losartan Potassium and Hydrochlorothiazide Tablets USP, which is intended for the treatment of hypertension, with symptoms including, without limitation, headache, fatigue or confusion, and chest pain;
- Losartan Potassium Tablets USP, which is intended for the treatment of hypertension and diabetic nephropathy (diabetic kidney disease) with an elevated serum creatinine and proteinuria in patients with type 2 diabetes and a history of hypertension, with symptoms including, without limitation, headache, fatigue or confusion, chest pain, and swelling (edema), first in the feet and legs;
- Lisinopril and Hydrochlorothiazide Tablets USP, which is intended for the treatment of hypertension, with symptoms including, without limitation, headache, fatigue or confusion, and chest pain;
- Lisinopril Tablets USP, which is intended for the treatment of hypertension and acute myocardial infarction, with symptoms including, without limitation, headache, fatigue or confusion, chest pain, and shortness of breath;

- Levofloxacin Hemihydrate Tablets USP, which is intended for the treatment of acute bacterial sinusitis; community-acquired pneumonia; chronic bacterial prostatitis, inhalational Anthrax, post-exposure; urinary tract infections (complicated and uncomplicated); and acute pyelonephritis, among other diseases, with symptoms including, without limitation, fever, chest pain, fatigue, shortness of breath, and confusion;
- Irbesartan and Hydrochlorothiazide Tablets, which is intended for the treatment of hypertension, with symptoms including, without limitation, headache, fatigue or confusion, and chest pain;
- Irbesartan Tablets, which is intended for the treatment of hypertension and diabetic nephropathy in hypertensive patients with type 2 diabetes, an elevated serum creatinine, and proteinuria, with symptoms including, without limitation, headache, fatigue or confusion, chest pain, and swelling (edema), first in the feet and legs;
- Imipramine Pamoate Capsules, which is intended for the treatment of depression, with symptoms including, without limitation, fatigue;
- Ethambutol HCl Tablets, which is intended for the treatment of pulmonary tuberculosis, with symptoms including, without limitation, fever, chest pains, and fatigue;
- Duloxetine HCl Capsules, which is intended for the treatment of generalized anxiety disorder, diabetic peripheral neuropathic pain, and chronic musculoskeletal pain, among other diseases, with symptoms including, without limitation, fatigue, headaches, and joint pain;
- Doxycycline Monohydrate Caps / Oral Suspension, which is intended for the treatment of Rocky Mountain spotted fever, typhus fever and the typhus group, Q fever, rickettsialpox, and tick fevers caused by *Rickettsiae*; respiratory tract infections caused by *Mycoplasma pneumoniae*; Lymphogranuloma venereum caused by *Chlamydia trachomatis*; and Psittacosis (ornithosis) caused by *Chlamydia psittaci*, among other diseases, with symptoms including, without limitation, headache, fever, confusion, muscle pain, joint pain, and fatigue;
- Diclofenac Sodium Topical Solution, which is intended for the treatment of osteoarthritis of the knee(s), with symptoms including, without limitation, swelling;
- Desloratadine Tablets, which is intended for the treatment of perennial allergic rhinitis, among other diseases, with symptoms including, without limitation, headaches and fatigue;
- Cephalexin Capsules USP, which is intended for the treatment of respiratory tract infection and bone infections, among other diseases, with symptoms including, without limitation, fever and fatigue;
- Celecoxib Capsules, which is intended for the treatment of rheumatoid arthritis, among other diseases, with symptoms including, without limitation, fatigue and fever;
- Cefuroxime Axetil Tablets, which is intended for the treatment of pharyngitis/tonsillitis and early Lyme disease, among other diseases, with symptoms including, without limitation, headache, fatigue, and fever;
- Ceftriaxone Injectable, which is intended for the treatment of bacterial septicemia and meningitis, among other diseases, with symptoms including, without limitation, fever, headache, confusion, and rash;

- Cefprozil Tablets / Oral Suspension, which is intended for the treatment of pharyngitis/tonsillitis, among other diseases, with symptoms including, without limitation, headache, fatigue, and fever;
- Cefixime for Oral Suspension USP, which is intended for the treatment of pharyngitis and tonsillitis, among other diseases, with symptoms including, without limitation, headache, fatigue, and fever;
- Cefdinir Oral Suspension, which is intended for the treatment of pharyngitis and tonsillitis, among other diseases, with symptoms including, without limitation, headache, fatigue, and fever;
- Cefadroxil Oral Suspension, which is intended for the treatment of pharyngitis and/or tonsillitis caused by *Streptococcus pyogenes* (Group A beta-hemolytic streptococci), among other diseases, with symptoms including, without limitation, headache, fatigue, and fever;
- Calcium Acetate Capsules, which is intended for the reduction of serum phosphorus in patients with end stage renal disease, with symptoms including, without limitation, fatigue, headaches, and confusion;
- Azithromycin Tablets, which is intended for the treatment of mild to moderate infections caused by designated, susceptible bacteria – mycobacterial infections, with symptoms including, without limitation, fatigue and fever;
- Amlodipine and Valsartan Tablets, which is intended for the treatment of hypertension—to lower blood pressure, with symptoms including, without limitation, headache, fatigue or confusion, and chest pain;
- Amlodipine and Benazepril Hydrochloride Capsules, which is intended for the treatment of hypertension in patients not adequately controlled on monotherapy with either agent, with symptoms including, without limitation, headache, fatigue or confusion, and chest pain;
- Amlodipine Besylate Tablets, which is intended for the treatment of hypertension and coronary artery disease, with symptoms including, without limitation, headache, fatigue or confusion, chest pain, and shortness of breath;
- Amlodipine, Valsartan and Hydrochlorothiazide Tablets, which is intended for the treatment of hypertension, with symptoms including, without limitation, headache, fatigue or confusion, and chest pain;
- Abacavir, Lamivudine and Zidovudine Tablets, which is intended, in combination with other antiretroviral agents, for the treatment of HIV-1 infection, with symptoms including, without limitation, fever, headaches, shortness of breath, and confusion;
- Desvenlafaxine ER Tablets, which are intended for the treatment of major depressive disorder, with symptoms including, without limitation, fatigue;
- Paroxetine HCl ER Tablets, which are intended for treatment of major depressive disorder, panic disorder, and premenstrual dysphoric disorder, among other diseases, with symptoms including, without limitation, fatigue, shortness of breath, chest pain, and headache;
- Abacavir and Lamivudine Tablets, which are intended for treatment of HIV-1 infection, with symptoms including, without limitation, fever, fatigue, and headache;
- Desoximetasone Ointment (0.05% & 0.25%), which is intended for relief of the inflammatory and pruritic manifestations of corticosteroid-responsive dermatoses, with symptoms including, without limitation, dry, scaly, flaky skin; itchiness; skin redness;

sun sensitivity; swelling, especially in the eyes, face or groin areas; skin that feels stiff or tight; blistering;

- Bupropion XL Tablets, which is intended for treatment of major depressive disorder and seasonal affective disorder, with symptoms including, without limitation, fatigue;
- Desoximetasone Cream (0.05% & 0.25%), which is intended for relief of the inflammatory and pruritic manifestations of corticosteroid-responsive dermatoses, with symptoms including, without limitation, dry, scaly, flaky skin; itchiness; skin redness; sun sensitivity; swelling, especially in the eyes, face or groin areas; skin that feels stiff or tight; and blistering;
- Moxifloxacin Ophthalmic Solution (0.5%), which is intended for treatment of bacterial conjunctivitis caused by susceptible strains of certain organisms including, *Corynebacterium* species, *micrococcus luteus*, *staphylococcus aureus*, and more, with symptoms including, without limitation, light sensitivity;
- Quetiapine Fumarate ER Tablets, which are intended for treatment of schizophrenia and bipolar disorder, and adjunctive treatment of major depressive disorder, with symptoms including, without limitation, memory loss, mental confusion, and fatigue; and
- Olmesartan Tablets, which is intended for treatment of Hypertension, with symptoms including, without limitation, with symptoms including, without limitation, headaches.

As to objections,

Signed this 17th day of November, 2017 POWLEY & GIBSON, P.C.

/s/ Thomas H. Curtin

Robert L. Powley

Thomas H. Curtin

Suzanna M. M. Morales

304 Hudson Street, Suite 202

New York, New York 10013

Telephone: (212) 226-5054

Facsimile: (212) 226-5085

Attorneys for Opposer

CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of November, 2017, a true and correct copy of the foregoing OPPOSER'S SECOND AMENDED RESPONSES TO APPLICANT'S FIRST SET OF INTERROGATORIES was served on counsel of record for the Applicant via email, by agreement of the parties, to the following address:

Patrick Asplin, Esq.
pca@lplaw.com
Lenhart Pettit
530 East Main Street
P.O. Box 2057
Charlottesville, VA 22902

/s/ Thomas H. Curtin

Thomas H. Curtin

VERIFICATION

As to the facts stated herein, I swear that they are true to my personal knowledge or based upon my review of the records of Lupin Pharmaceuticals, Inc.



Signature

Nicholas Bolash

Name

Associate Corporate Counsel

Title

November 17, 2017

Date

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- : Opposition No. 91226322
AMPEL, LLC, :
Applicant. :
-----X

EXHIBIT GG

TO

OPPOSER'S NOTICE OF RELIANCE IN REBUTTAL

This Exhibit has been filed under seal.

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

In the matter of Application Serial No. 86509184
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-----X
LUPIN PHARMACEUTICALS, INC., :
Opposer, :
-against- : Opposition No. 91226322
AMPEL, LLC, :
Applicant. :
-----X

EXHIBIT HH
TO
OPPOSER'S NOTICE OF RELIANCE IN REBUTTAL



Lupus Projects

What We Have Done



- Researchers

- LRxL STAT™ is the ongoing drug repositioning initiative searching for new treatments for persons with lupus.



- Clinical Investigators

- LuCIN™ is the Lupus Clinical Investigators Network that will carry out clinical trials of the top priority treatment candidates generated by LRxL STAT™.



- Patient Partners

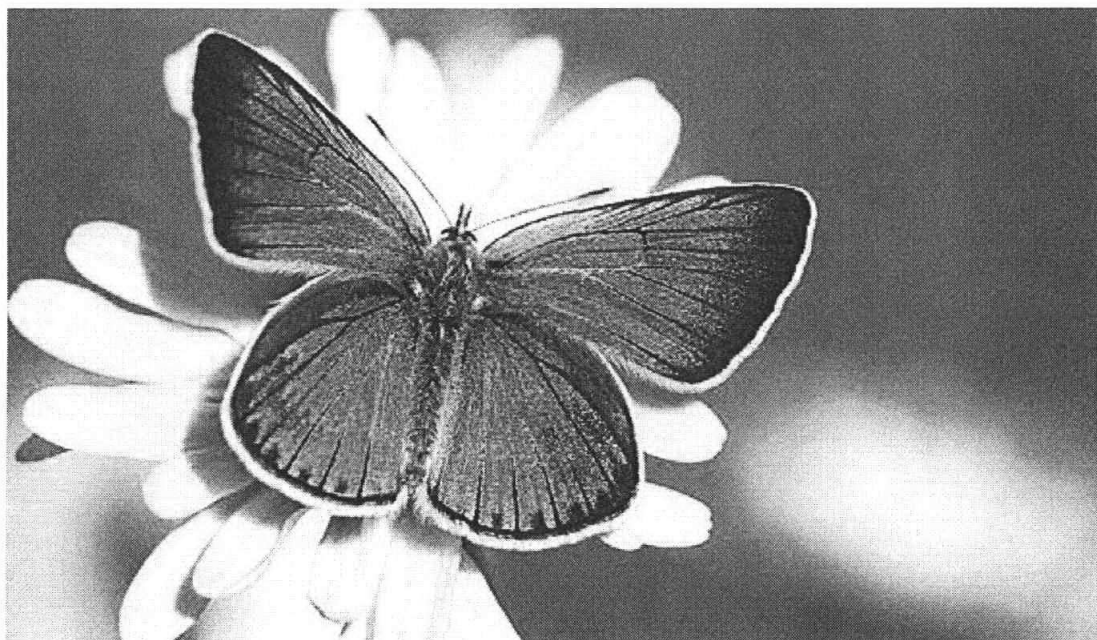
- LuPPiN™ is the Lupus Patient Partners program that will identify and train lupus patients to help other patients to understand and participate in the clinical trials carried out by LuCIN™.

Case No 9122622
Lupin Pharm
AMPEL, LLC
Lupin Rx 3
9/26/17

AMPEL BioSolutions & Lupus (SLE)

AMPEL BioSolutions launched a project in July of 2013 to re-imagine drug discovery in SLE and rapidly bring new precision therapies to patients with this chronic disabling disease.

SLE is a systemic autoimmune disease in which the immune system that normally protects against infectious diseases becomes misdirected and attacks the person's organs and tissues. This disease predominantly affects women of childbearing age and also is more common in many minority groups. Despite intensive research on this disease, there has been only one new treatment approved in more than half a century, and that new therapy (Benlysta) has been only modestly effective. The standard process of drug development has not been effective in SLE, stimulating AMPEL BioSolutions to rethink the paradigm.



LRxL STAT™ -

One of AMPEL's most recent LRxL™ projects, LRxL-STAT™ was launched in October of 2013 with the support of New York's Alliance for Lupus Research & the Lupus Research Institute (LRI). Effective safe treatments for Lupus are sorely lacking, with only one drug approved for Lupus in the last 50 years. Frustrated by the slow-paced translation of basic science discoveries into new treatments for Lupus, the ALR & LRI commissioned AMPEL BioSolutions to carry out an in-depth analysis of all drugs & biologics approved for human use in the United States.



After six months of extensive research of the human & mouse literature, AMPEL has compiled the Lupus Treatment List (LRxL™) in consultation with members of the community which were then vetted by an expert committee in April of 2014. Take a look at the LRxL-STAT™ LinkedIn site to view the poster presented at the American College of Rheumatology meeting in November of 2014. The next step is conducting SLE Treatment Acceleration Trials (STAT) with our Lupus Clinical Investigators Network (LuCiN™) & Patient Partner Integrator Network (LuPPiN™).

LRxL™ -

Through its ground-breaking LRxL™ program, AMPEL has made a significant advance on the path to advancing Lupus treatments. Under LRxL™, AMPEL conducted extensive research to compile valuable information relating to the potential treatments and therapies for Lupus. A core component of this information is the development of what is simply referred to as LRxL™, an actual list of all pharmaceuticals that may assist in the treatment of Lupus. Under its LRxL™ program, AMPEL will continue its research efforts and will update and revise the LRxL™ as appropriate. The LRxL™ will be utilized by LuCIN™ to conduct research and trials, including LuCIN-STAT™.

LuCIN™ -



AMPEL is in process of identifying highly qualified and experienced research sites to participate Lupus Drug Repositioning Initiative. This Lupus Clinical Investigators Network (LuCIN™) is composed of clinical sites throughout the United States with exceptional research capabilities and experience in Lupus.

With the administrative and technical support of AMPEL, LuCIN™ sites will conduct science-rich trials on the novel and interesting agents of the Lupus Treatment List that have a high likelihood of success. We have identified over 60 sites with interest in

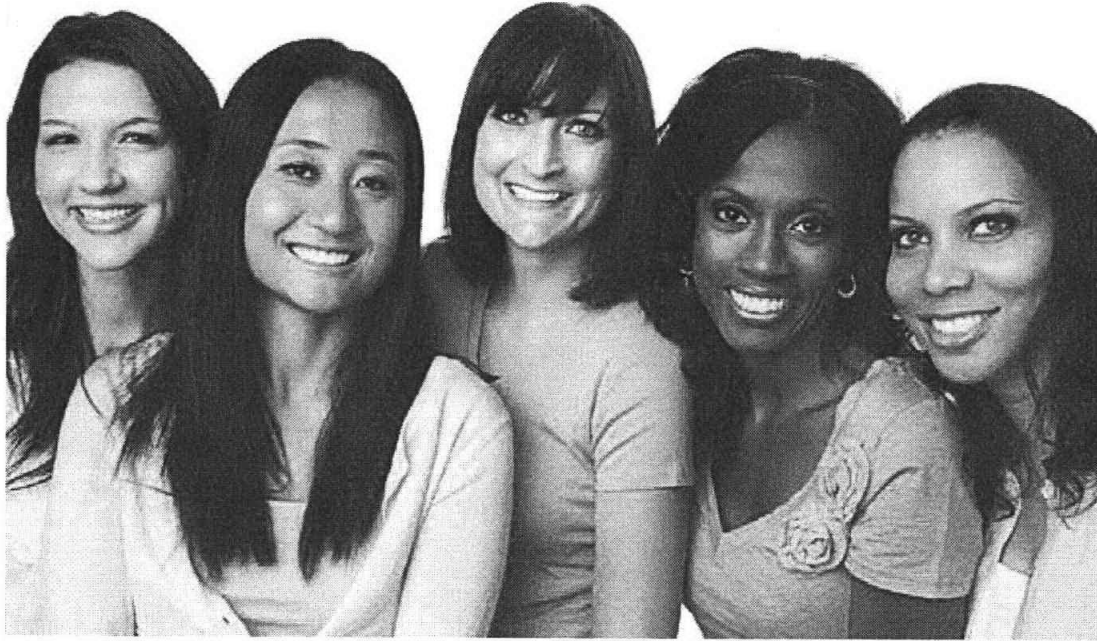
carrying out science-rich trials of novel and interesting agents that have a high likelihood of success. In addition, we plan that all investigators will have access to all data and publication of trial results will be encouraged. The members of LuCIN™ had their first meeting at the American College of Rheumatology summit in November of 2014.

LuCIN STAT™ -

An initial core initiative of LuCIN™ is LuCIN STAT,™ ground-breaking research and clinical trials dedicated to testing the identified Lupus therapies. Under the LUCIN STAT™ program, LuCIN™ will focus on SLE treatment and acceleration trials for the Lupus therapies that are added to the LRxL™.

LuPPiN™

LuPPiN™, or the Lupus Patient Partner Integrator Network, is AMPEL's patient centric program to develop a network of caregivers, patients and patient advocates dedicated to assisting and supporting Lupus patients. LuPPiN™ has its roots in Dr. Peter Lipsky's internationally recognized program at the UT Southwestern Medical Center in Dallas for Rheumatoid Arthritis patients called Patient Partners. Patients were trained to help medical students and professionals detect early signs and symptoms of musculoskeletal conditions, thereby facilitating an early diagnosis and therapeutic intervention to improve patient outcomes. These "Patient Partners" were a milestone in patient empowerment with "Centers of Excellence" established worldwide and more than 600 Patients Partners trained over a four-year period.



Today, AMPEL BioSolutions aims to expand this program to SLE clinical research through LuPPiN™. Because of the difficulty of diagnosis and the lack of clear communication of symptoms, AMPEL believes that developing a patient training program will facilitate better communication between patients and doctors. In addition, patient partners—whether they be Lupus patients or dedicated patient advocates—can be of great help in educating Lupus patients about available treatment options, demystifying clinical trials to other patients, and helping to explain the nature of clinical trials, the patient protections in such trials and the important contribution patients can make in the development of new treatments. Working together with Lupus advocacy organizations and individuals, AMPEL through its LuPPiN™ program is pushing the boundaries of clinical research and developing ways of improving the clinical trial experience by actively engaging patient involvement.

CoLTs™

AMPEL BioSolutions has developed a unique and proprietary system for assessing the efficacy of Lupus treatment known as CoLTs™. CoLTs™ enables potential Lupus therapies to be scored and ranked based on defined criteria. As part of its CoLTs™ program, AMPEL BioSolutions provides analysis of Lupus therapies to its partners who

are testing existing Lupus therapies and/or hereafter-discovered Lupus therapies.
Parties that are interested in utilizing CoLTs™ should contact AMPEL.

Lupus Drug Candidates

Kadmon, KD025 ROCK2 inhibitor

Janssen, Stelara IL-12/23 inhibitor

Clients & Collaborators



Alliance for Lupus Research
PREVENT. TREAT. CURE.

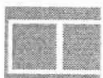


**Lupus
Research
Institute**





GlaxoSmithKline



About AMPEL

AMPEL BioSolutions is a biomedical research consultation firm specializing in translational and personalized medicine including drug and target identification, protocol design and management, biomarker identification, and bioinformatic analysis.

Read more...

Specializing In

- Drug Repurposing
- Rapid Results
- Data Analysis & Interpretation
- Clinical Trial Design & Management
- New Target Identification
- Disease Biomarkers

View our Brochure

Press Releases

27²⁰¹⁵
SEP
27²⁰¹⁶

NEW RESULTS PUBLISHED DEMONSTRATE EFFECTIVENESS OF AMPEL'S INNOVATIVE SYSTEM

New results published in the professional journal *Lupus* demonstrate the effectiveness of an innovative system developed to identify promising treatments for lupus among existing drugs approved for use in other...

JUN
22²⁰¹⁶

PILOT STUDY WITH UVA TO EXPLORE MORE WAYS TO TACKLE LUPUS

"A pilot study at UVa Research Park will explore the science behind the old saying "mind over matter." A local company called AMPEL Biosolutions is teaming up with the University of Virginia...

24²⁰¹⁵
22²⁰¹⁵
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Contact AMPEL

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Charlottesville, Virginia 22911

434-296-2675 (AMPL)

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info@ampel.org

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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. 86509184
For the Mark: LUPPIN
Published in the Official Gazette on August 18, 2015

-----X
LUPIN PHARMACEUTICALS, INC., :
Opposer, :
-against- : Opposition No. 91226322
AMPEL, LLC, :
Applicant. :
-----X

EXHIBIT II
TO
OPPOSER'S NOTICE OF RELIANCE IN REBUTTAL

MANY FACES



ONE GOAL

LRxL STAT

Cure Lupus Today (sponsored by ALR & LRI)

Charlottesville, Virginia

Nonprofit Organization Management

Current ALR & LRI

Websites LRxL-STAT Progress Nov2014

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CEO & CMO, AMPEL BioSolutions



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John Necina
Vector Control Specialist at MosquitoZone International



Priscilla Matton
Entomologist at Bristol County Mosquito Control Project



Jordan Pober
Ensign Professor of Immunobiology at Yale School of Medicine



Ryan A. Bridge "The BugMan"
Entomology Outreach Programs



Luis Fernando Tobon
Uroginecologia y Piso Pelvico en Clinica SOMA



Gloria Mwanjali
Public health specialist(Parasitologist) at Ministry of Health and Social Warfare Tanzania

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Summary

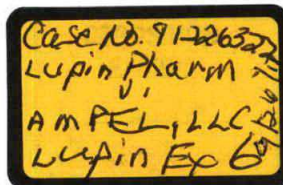
LRxL-STAT (Lupus Rx List-SLE Treatment Acceleration Trials)

Peter Lipsky, M.D., Coordinator
Amrie Grammer, Ph.D., Developer of Scientific Content

LAUNCHING of the Lupus Clinical Investigators Network (LuCIN; www.linkedin.com/in/lucinstat) of the LRxL-STAT Lupus Drug Repositioning Initiative at the ACR in November 2014. LRxL-STAT is currently recruiting clinical & scientific investigators to participate in small, focused, biomarker-rich, proof-of-concept trials. If you are interested, please contact us at info@ampel.org or 434-296-2675 (AMPL). We anticipate that therapies tested will have the same core analyses performed as well as scientific experiments geared to the specific intervention. Access to data is guaranteed & publication encouraged.

After 6mo of extensive research of the literature and suggestions from the community, AMPEL (www.ampelbiosolutions.com) scored 157 treatments with the CoLTs evidence-based scoring system. An expert committee vetted the Lupus Treatment List in April & the entire list of candidates was presented at the FOCIS meeting in June. Top priority candidates were presented at the ACR in November & are actively being considered for SLE Treatment Acceleration Trials (STAT). At least three clinical trials organized by AMPEL on behalf of the ALR and/or LRI will begin in 2015. Top priority candidates in each category are: the small molecule Quinacrine, autologous hematopoietic stem cell transplantation, the complementary & alternative Krill Oil treatment, Janssen's biologic Stelara and the ROCK2 inhibitor KD-025 in development by Kadmon. Research topics for lupus grant RFAs were identified by the vetting committee for the coming year: metabolism & the Warberg effect, histone acetylation & the role of HDAC inhibitors, the role of the microbiome, effective regimens & targets for stem cell therapies, regulatory T cells (activators or expanders), PDGF in lupus nephritis as well as novel signaling pathways (S1P1, Nrf2, PDE4, PPARgamma, SIRT1).

Experience



Cure Lupus Today

ALR & LRI

September 2013 – Present (4 years 1 month)

Projects

Vasileos Kyttaris (Beth Israel, Boston) □

Starting October 2013

"I would like to emphasize the role of SLE cells in the pathogenesis of disease. T cell targeting drugs such as calcineurin inhibitors, including dipyridamole either alone or in combination with other immunomodulators, could be tested as part of LRxL-STAT."

Team members: LRxL STAT

Joan Merrill (OMRF)

Starting October 2013

"I think that LRxL-STAT could be a quite successful approach. A list of drugs that could be tested: Nicotinamide, Copaxone, Dipyridamole +/- Aziathioprine & Statins for patients pre-screened for decreased Treg activity."

Team members: LRxL STAT

Alexis Boneparth (Robert Wood Johnson Univ Hosp)

Starting October 2013

"I'd like to see more research into Thalidomide & analogues for treatment of cutaneous and systemic lupus (particularly systemic as I think there is already some evidence to show the analogues are pretty good for cutaneous lupus). Systemic seems like a completely open question."

Team members: LRxL STAT

Barbara Mittleman (Nodality)

Starting October 2013

"I'd be very interested to see the effects of IL-17 and /or IL23 blockade in SLE . . ."

Team members: LRxL STAT

Nila Mishra (Wake Forest)

Starting October 2013

"Histone deacetylase inhibitors (HDIs) are candidates for treatment of lupus. Currently, two HDIs (vorinostat-Zolinza & romidepsin-istodax) are approved by the FDA for treatment of T cell lymphomas. Valproic Acid (Depakote) also has been demonstrated as a histone deacetylase inhibitor. Using an in vitro cell culture system and two mouse models of lupus, we have demonstrated that HDIs can be used for the treatments of human lupus."

Team members: LRxL STAT

Billy Stohl (USC)

Starting October 2013

"Any consideration for rapamycin?"

Example: Jeff Weiner



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opportunity

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relevant job
recommendations.

Add your position

Team members: LRxL STAT

Steffen Frese (Berlin)

Starting October 2013

"Our group has found that the topoisomerase I inhibitor Irinotecan is able to prevent the onset of SLE in mice (JI 184:2175, 2010; Nat Rev Rheum 7:733, 2011). Since Irinotecan is known as a chemotherapeutic agent for the treatment of metastatic cancer disease, the drug was not preferential for the treatment of SLE. But then subsequent experiments of our group showed that remarkably reduced doses of Irinotecan still suppressed lupus nephritis and significantly prolonged survival in NZB/W-F1 mice (submitted for publication). Based on these experimental data we plan a first clinical study using low dose Irinotecan in patients with active lupus nephritis."

Team members: LRxL STAT

Garry Fathman (Stanford)

Starting October 2013

"There is a new BTK inhibitor that has activity on ITK that looks very promising. Also, it may be possible to connect with the FOCIS Centers of Excellence to get a large collection of SLE patients from across the states representing all ethnicities & socioeconomic groups for potential trials. This would necessitate some shared IRB, etc etc, all manageable I think."

Team members: LRxL STAT

Vibeke Strand

Starting October 2013

"Leflunomide, Teriflunomide, Tacrolimus OR a combination of Plaquenil & a Statin are all good options for LRxL-STAT to consider."

Team members: LRxL STAT

Bill Robinson (Stanford)

Starting October 2013

"A SYK inhibitor - perhaps Rigel's R788, or one from another company; (2) a JAK inhibitor - Tofacitinib or another JAK inhibitor; and (3) anti-C5a or another complement inhibitor are good choices for repurposing in Lupus."

Team members: LRxL STAT

Andras Perl (SUNY Upstate Med Ctr)

Starting October 2013

"We have conducted a double-blind placebo-controlled phase I/II pilot study with N-acetylcysteine (NAC) and open label trials with rapamycin in SLE patients. NAC & rapamycin are both effective. Interestingly, NAC also inhibits the mechanistic target of rapamycin (mTOR) that is a sensor of oxidative stress in T cells of SLE patients. Since lupus patients exhibit mTOR activation, which is relevant for disease pathogenesis and predicts flares, prospective controlled trials of mTOR blockade with NAC and rapamycin, alone or in combination, appear warranted in SLE."

Team members: LRxL STAT

Betty Tsao (UCLA)

Starting November 2013

"I suggest considering targeting specific microRNAs associated with SLE inspired by the recent promising results in a clinical trial of chronic HCV infection (www.nejm.org/doi/full/10.1056/NEJMoa1209026)."

Team members: LRxL STAT

Tom Rothstein (Feinstein Institute)

Starting November 2013

"I hypothesize that human B-1 cells may be the most resistant B cells to anti-CD20 therapy so what about assessing the fraction of B-1 cells that remain after anti-CD20 treatment? For example, do patients that undergo anti-CD20 treatment have B-1 cells remaining? And if so, are these the non-responder patients?"

Team members: LRxL STAT

Amrie C. Grammer

Starting November 2013

Newer antibodies that block CD154-CD40 interactions may be worthwhile revisiting as a treatment for Lupus (www.ncbi.nlm.nih.gov/pubmed/14617752).

Team members: LRxL STAT

PJ Utz (Stanford)

Starting November 2013

"Several interesting pathway inhibitors are in development and should be considered, including inhibitors of BTK and related kinases such as JAKs, CASPASE(s) and DNAase."

Team members: LRxL STAT

Jeff Rathmell (Duke)

Starting November 2013

"I suggest trying dichloroacetate (DCA), a pyruvate dehydrogenase kinase inhibitor that looks good in cancer, has been used in mouse models of asthma, arthritis & graft vs host and is in trials for lactic acidosis and several cancers. Our lab has preliminary data that DCA is a good inhibitor of effector T cells while at the same time increasing Treg in mouse models of EAE, inflammatory bowel disease & Lupus (NZB/NZW)."

Team members: LRxL STAT

Laurence Morel (U. Florida)

Starting November 2013

"I suggest considering Metformin based on my preliminary data in Lupus mouse models. The Histone Mimics JQ1 & I-Bet as well as PFKFB3 inhibitors of glucose metabolism are also good choices to consider as Lupus treatments."

Team members: LRxL STAT

Yanick Crow (U. Manchester)

Starting November 2013

"Inhibitors of reverse transcriptase such as Tenofovir, Abacavir, Zidovudine or Lamivudine may be useful in certain cases of SLE (and are relatively non-toxic compared to most immunosuppressives)."

Team members: LRxL STAT

Alessandra Pernis (Hosp Special Surgery)

Starting November 2013

"I suggest considering Rho/ROCK inhibitors for Lupus treatment."

Team members: LRxL STAT

Cindy Aranow, Maria Dall'era, Betty Diamond, & David Wofsy

Starting November 2013

"We suggest testing a treatment regimen we have proposed to the Immune Tolerance Network of NIAID as principal investigators of a trial we're calling CALIBRATE. Subjects with active lupus nephritis would all receive two doses of rituximab combined with cyclophosphamide and then would be randomized to maintenance therapy with either belimumab plus low-dose prednisone in one group or low-dose prednisone alone in the other group. We hypothesize that initial treatment with rituximab followed by maintenance therapy with belimumab will promote the establishment of a non-autoimmune B cell repertoire during reconstitution.

Team members: LRxL STAT

Tony DeFranco (UCSF)

Starting November 2013

"I think of any new clinical trials for SLE should include translational studies designed to look for heterogeneity of patients with regard to genetic susceptibility loci, either via genetic analysis or via functional analysis of naïve lymphocytes. A relevant analogy here are the results reported by Genentech in clinical trials of asthma patients with a blocking agent against IL-13; efficacy was seen after the patient population was stratified using a biomarker in the blood that results from response to IL-13."

Team members: LRxL STAT

Jennifer Bell (Research Director, LRI)

Starting December 2013

"It's fantastic to see such a diverse range of possible therapies suggested. Thanks to everyone who has contributed so far. If you know someone with ideas not included here please encourage them to post!"

Team members: LRxL STAT

Rick Bucala (Yale)

Starting December 2013

"I suggest considering treatments such as recombinant Pentraxin2 (currently in phase II testing for fibrosing disorders), anti-MIF or anti-MIF-R antibody (currently in phase I/II for lupus nephritis and oncology), and small molecule inhibitors of PFKB3/iPFK2 (Warburg Enzyme), currently in development to block metabolic activation in cancer."

Team members: LRxL STAT

George Tsokos (Harvard)

Starting December 2013

"I suggest looking at SYK & RhoK as targets in Lupus. Additionally, I propose considering a biologic

inhibitor of IL17 or small molecule inhibitors of CaMK4, PP2B-beta or CREMa-alpha as treatments for Lupus."

Team members: LRxL STAT

Jeff Browning (Boston Univ. Schl. of Med)

Starting December 2013

"I suggest considering Tecfidera (dimethylfumarate or DMF), that reduces oxidative stress & has been approved for MS, as an excellent candidate for SLE."

Team members: LRxL STAT

Jane Salmon (Hospital for Special Surgery)

"I suggest statin therapy or complement blockers (anti-C5 mAb) for Lupus treatment....both approaches have safe, approved drugs."

Team members: LRxL STAT

Rick Bucala (Yale) & Jane Salmon (Hospital for Special Surgery)

Starting December 2013

"We propose consideration of aminoguanidine as a potential treatment for Lupus. The rationale is that aminoguanidine inhibits thioester bond formation & may inhibit the complement activation cascade."

Team members: LRxL STAT

SK Datta (Northwestern)

Starting December 2013

"Since major pathogenic steps in Human Lupus can be effectively suppressed by nucleosomal histone peptide epitope-induced regulatory immunity (10.1016/j.clim.2013.08), I suggest considering a peptide vaccine for suppressing autoantigen-specific response in Human Lupus. See <http://www.northwestern.edu/newscenter/stories/2013/11/putting-lupus-in-permanent-remission.html> for more information."

Team members: LRxL STAT

Tony DeFranco (UCSF)

Starting December 2013

In thinking about treatments for Lupus, I recommend: 1) chemical BTK inhibitors (important for BCR signaling) developed by several companies and in clinical trials for B cell malignancies (the more specific, the better); 2) blockers of TLR7 or TLR9, which could include chemical antagonists for TLR7 and/or TLR9 or inhibitors of IRAK4 and/or IRAK1 (several are at various stages of clinical testing); 3) proteasome inhibitors that are in clinical trials for malignant myeloma, and therefore might target long lived plasma cells; long lived plasma cells could be responsible for ANAs in a subset of patients based on the observation that depleting B cells with Rituximab is not greatly efficacious."

Team members: LRxL STAT

Andras Perl (SUNY Upstate Med Ctr)

Starting December 2013

"I suggest considering Fingolimod, which modulates sphingosine 1-phosphate receptor 1 (S1P1).

Sphingosine 1-phosphate (S1P) is a potent inducer of mTOR activity in T cell, and indeed mTOR is activated in lupus T cells. Therefore, modulation of S1P1 by fingolimod could be beneficial in lupus. FINGOLIMOD is FDA-approved for MS and it is likely to be safe and effective in lupus as well. Rapamycin would be an ideal inhibitor for mTOR, very effective, along with newer rapalogs, and N-acetylcysteine and fingolimod that act upstream through inhibiting oxidative stress and S1P1 receptor signaling in T cells."

Team members: LRxL STAT

Dan Wallace (Cedars-Sinai Medical Center)

Starting December 2013

"The human kinome and its influence on surface receptors is an unexplored area in SLE. TOFACITINIB is already on the market for RA. A few of my patients with RA/SLE overlaps have done well on this agent, and I think that this is an area for consideration of repurposing."

Team members: LRxL STAT

Lee Ann Sinha (Univ Buffalo)

Starting December 2013

"I suggest treatments targeting Btk or IKK2 are likely to be helpful in lupus."

Team members: LRxL STAT

Charles "Sandy" Via (USUHS)

Starting December 2013

"I suggest biologics targeting CD80 or CD244 (2B4) as potential Lupus treatments."

Team members: LRxL STAT

Peggy Crow (Hosp Special Surgery)

Starting December 2013

"I suggest ROFLUMILAST or APREMILAST that inhibit PDE2 & regulate cAMP signaling as options to consider for Lupus."

Team members: LRxL STAT

Andras Perl (SUNY Upstate Med Ctr)

"My lab has preliminary data that blockade of Geranylgeranyl Transferase II is beneficial for lupus in mice & could be considered as a future treatment for Lupus."

Team members: LRxL STAT

Ian Rifkin (Boston Univ)

Starting November 2013

"I suggest considering inhibitors of PDE4 for Lupus treatment."

Team members: LRxL STAT

PJ Utz (Stanford)

Starting December 2013

"Cathepsin inhibitors are emerging as viable therapies with clean tox, are effective in murine models, and have rational use in humans with SLE."

Team members: LRxL STAT

Michael Holers (U. Colorado Denver)

Starting December 2013

"I believe that testing a complement inhibitor in patients with active lupus nephritis should be a high priority therapeutic strategy, and I am committed with other like-minded colleagues to work to make that happen."

Team members: LRxL STAT

Vickey Rubin Kelley (Harvard)

Starting December 2013

"I suggest blocking Colony Stimulating Factor 1 (CSF-1) as a therapeutic for lupus nephritis."

Team members: LRxL STAT

Robert Eisenberg (U. Penn)

Starting December 2013

"The LRxL-STAT should consider carefully the general approach to lupus trials. As we all know, too many phase III's have failed or been unimpressive. Perhaps the developmental program for any agent should be more gradual. Small trials, even uncontrolled use, with extensive biomarker screening, particularly biomarkers that change in response to the drug, would be relatively inexpensive. A potent anti-lupus drug (like an anti-TNF for RA) should give a 'signal' in these situations. If it doesn't, then maybe it is not a good bet to become a major therapeutic advance. (By chance, we could miss a good therapy this way, but it would allow the initial testing of more of the many excellent suggestions that are being put forward.) The biomarkers could tell us when the drug is having a biological effect in the patient, and allow us to design a trial to target subsets of patients more selectively, even if that means defining the primary outcomes measures to be a priori restricted to subsets of patients that will be determined by their initial biological responses during the trial. (I think that could be done without injecting bias.) The alternative of preselecting patients for subset targeting, based on clinical or laboratory parameters, or on genetics, is still too difficult, because we just don't understand our disease well enough."

Team members: LRxL STAT

Betty Diamond (Feinstein Institute)

Starting January 2014

"I suggest Nelfinavir as a potential treatment for Lupus."

Team members: LRxL STAT

Vickey Rubin Kelley (Harvard)

Starting January 2014

"I suggest blocking CSF-1 as a potential treatment for Lupus. Colony stimulating factor 1 (CSF-1) is largely responsible for Mø development, survival, proliferation and activation. In lupus prone (MRL-Faslpr) mice, renal tubular epithelial cells (TEC) express CSF-1 and intra-renal CSF-1 expression increases with advancing lupus nephritis. The genetic deletion of CSF-1 prevents lupus nephritis and local over-expression of CSF-1 in the kidney (via gene transfer), as well as systemic over-expression (using CSF-1 transgenic mice), incites, hastens and worsens the severity of lupus nephritis."

Team members: LRxL STAT

Vickey Rubin Kelley (Harvard)

Starting January 2014

"Heightened CSF-1 expression within the MRL-Faslpr kidney at the onset of lupus nephritis, spills over into the circulation and leads to monocytosis with renal homing monocytes that are skewed towards an "inflammatory" phenotype. Within the kidney, CSF-1 activates and expands Mø that, in turn, induce destructive apoptosis of TEC. Thus, CSF-1 is central to the development and progression of lupus nephritis in lupus-prone mice. Is CSF-1 unregulated in the kidney in patients with lupus nephritis? As in lupus-prone mice, CSF-1 is expressed in TEC in patients with lupus nephritis and the level of expression correlates with a rise of CSF-1 levels in the serum and urine. Moreover, CSF-1 levels are increased in the serum and urine of patients with active lupus nephritis, and CSF-1 levels track disease activity and predict the onset and reoccurrence of this illness. Thus monitoring CSF-1 levels provides a unique opportunity to therapeutically target CSF-1 prior to overt kidney injury. Taken together, CSF-1 is a potential biomarker and therapeutic target for lupus nephritis."

Team members: LRxL STAT

Bill Robinson (Stanford)

Starting February 2014

I would like to propose development of a metabolite of hydroxychloroquine that exhibits anti-inflammatory activity but significantly less retinal toxicity to treat Lupus. This molecule provides the potential for increased cumulative dosing, and thus greater efficacy, in patients with SLE.

Team members: LRxL STAT

Eric Morand (Monash Med Ctr, Australia)

Starting February 2014

"Near-registration therapies with good safety profiles in other indications and a biological case in SLE would be ideal for small studies. Anti-IL17/IL-17R mAbs are one option. Medium term agents that can replace glucocorticoids (mimicking their efficacy but lacking metabolic effects) are desperately needed."

Team members: LRxL STAT

Honors & Awards

Robert Wood Johnson IV

ALR Chairman & Owner of the NY Jets

October 2013

"What happens when private supporters of Lupus decide to pool their efforts? The answer is simple, you get a whole new strategy for finding the new treatments that millions of Lupus patients desperately need. Sometimes medicines developed for one disease turn out to be highly effective at treating a completely different disease. In our quest to leave no stone unturned in our search for a remedy for Lupus, we are working together to identify drugs that are already on the market for other conditions which might be helpful for Lupus. The community has never seen anything like it! We're marshaling the talent of hundreds of Lupus investigators by soliciting their ideas about what treatments are interesting to consider & then vetting those ideas as intensively and thoughtfully as possible. We won't stop until our dreams have been realized; better treatments for Lupus and ultimately a way to prevent & cure the disease."

Michael Bloomberg

NYC Mayor (2002-2013)

December 2013

Thinking about the Lupus community's intellectual capacity focusing on this one disease, it gives you great comfort that we're making progress and that, hopefully, sooner than later, we're going to discover what causes Lupus, how to prevent it and how to cure people who already have the disease.

Willie Geist

Co-Host NBC "Today Show" and "Morning Joe"

December 2013

We need more public figures like Mayor Bloomberg to recognize & respond to the serious needs of people with Lupus

Richard DeScherer

Bloomberg Chief Legal/Compliance Officer & President of SLE Lupus Foundation

December 2013

Mike Bloomberg joined the fight against Lupus almost 30 years ago & immediately became a leader. His significant support & encouragement over have been the main reason that we have turned Lupus upside down by moving to the forefront in innovative, out-of-the box science & research.

Jennie DeScherer

Lupus Patient & LRI/SLE Lupus Foundation Board Member

December 2013

Mayor Bloomberg's commitment in research dollars & attention to our cause has truly helped change the face of Lupus research.

Bill Wolfe

Lupus Therapeutics Inc

October 2013

My family has been affected by lupus and I share the anguish and frustration of all lupus families. But I am committed to do something about it. If leading medical and scientific professionals believe that a highly focused clinical trials program can lead to viable new therapies for Lupus in the near term....3 to 5 years....then I firmly believe that the Lupus Community across this Country will respond with broad financial support to fund this effort. I plan to do everything I can to make this happen.

Susan Golick

SLE Lupus Foundation Founder

December 2013

The commitment of Simona & Jerome Chazen (Co-Founder of Liz Claiborne) to Lupus was out of love, turning adversity into action. Through their philanthropic leadership, Simona & Jerry have helped brilliant scientists pursue their innovative ideas, deliver the critical discoveries & change the face of Lupus research.

Jessye Norman

Grammy Award Winner for Contemporary Opera

Thanks to the work for some rather brilliant scientists, we are not only turning Lupus research upside down, we are turning lives around.

Kenneth M. Farber

ALR President

October 2013

LRxL-STAT is remarkable by testing two new paradigms. The first is considering drugs already on the market that might be helpful for Lupus patients. The second is the demonstration that when effective private funders of Lupus research work together, some extraordinary things can happen. LRxL-STAT is doing far more than trying to find a needle in a haystack, it's synergizing the gifts of hundreds of Lupus investigators by asking for their suggestions about what treatments could be repositioned in Lupus & then investigating those ideas thoroughly. We all share a passion for discovering new treatments for Lupus & someday, a cure. Working together with the Lupus community, LRxL-STAT is pursuing that passion as vigorously as possible.

Peggy Dowd

LRI CEO

October 2013

There is great excitement & enthusiasm with where we're going with clinical studies & I'm looking forward to a whole new paradigm with the LRxL-STAT program that will change the whole scope of treatments for Lupus.

Peter E. Lipsky, MD

Coordinator, LRxL-STAT

October 2013

By maintaining complete objectivity, depending on scientific analysis and pre-set rules of prioritization, and engaging the academic, clinical and pharmaceutical communities in a transparent manner, the LRxL-STAT process should accelerate the identification of new therapeutic candidates with real potential to improve lives of patients with lupus and contribute to de-risking the process of developing new treatments for this disease.

Amrie C. Grammer, PhD

Developer of Scientific Content, LRxL-STAT

October 2013

The LRxL-STAT project is eager to hear from all with expertise and/or interest in solving the seemingly insurmountable problem of developing new therapies for lupus, which can manifest itself in nearly every organ and body system. We are open and ready to assess suggested therapies.

Kenneth M. Farber

ALR President

February 2014

"We are very excited at the rapid progress on LRxL-STAT, the joint initiative of ALR and LRI. It is very gratifying that there are so many drugs and therapies that are intriguing candidates to be repositioned for lupus. We look forward to the opportunity to test as many of these candidates as we can. Developing safer, more effective therapies for lupus patients is our highest priority."

Peggy Dowd

LRI CEO

February 2014

"We are gratified that the entire lupus community came together to focus on this LRxL-STAT initiative. Many members of the lupus community, including patients, submitted their ideas, some of which could be very exciting new lupus therapies. This partnership has moved the lupus field forward in a way that we have never seen before."

Skills

Public Speaking Nonprofits Clinical Trials Treatment Therapists Fundraising
Immunology Autoimmune Diseases Autoimmunity Big Data
Design of Experiments Pharmacology Pharmacodynamics Pharmacokinetics
Toxicogenomics See 14+

Groups

Lupus Foundation of... Lupus Foundation of... S.L.E. Lupus Founda... BILAG - British Isles ...



CBIC - Charlottesville... Lupus Cyprus - LuCy Gibson Lupus Resou... See 3 more >

View LRxL'S full profile to...

- See who you know in common
- Get introduced
- Contact LRxL directly

[View LRxL'S Full Profile](#)

LinkedIn member directory: a b c d e f g h i j k l m n o p q r s t u v w x y z more

[Browse members by country](#)

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- : Opposition No. 91226322
AMPEL, LLC, :
Applicant. :
-----X

EXHIBIT JJ

TO

OPPOSER'S NOTICE OF RELIANCE IN REBUTTAL

Trademark/Service Mark Statement of Use (15 U.S.C. Section 1051(d))

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	85161714
LAW OFFICE ASSIGNED	LAW OFFICE 112
EXTENSION OF USE	NO
MARK SECTION	
MARK	http://tess2.uspto.gov/ImageAgent/ImageAgentProxy?getImage=85161714
LITERAL ELEMENT	ARSENE LUPIN
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font style, size or color.
OWNER SECTION	
NAME	Guerlain S.A.
STREET	68, avenue des Champs-Elysees
CITY	75008 Paris
COUNTRY	France
GOODS AND/OR SERVICES SECTION	
INTERNATIONAL CLASS	003
CURRENT IDENTIFICATION	Perfumery for men
GOODS OR SERVICES	KEEP ALL LISTED
FIRST USE ANYWHERE DATE	00/00/2010
FIRST USE IN COMMERCE DATE	10/01/2010
SPECIMEN FILE NAME(S)	\\TICRS\EXPORT16\IMAGEOUT 16\851\617\85161714\xml2\SOU0002.JPG
SPECIMEN DESCRIPTION	online point-of-sale display with ordering information
REQUEST TO DIVIDE	NO
PAYMENT SECTION	
NUMBER OF CLASSES IN USE	1
SUBTOTAL AMOUNT [ALLEGATION OF USE FEE]	100
TOTAL AMOUNT	100
SIGNATURE SECTION	
	hw_631381729-142950758 . ARSENE LUPIN -

ORIGINAL PDF FILE	Signed Allegation of Use F1322674 .PDF
CONVERTED PDF FILE(S) (2 pages)	\\TICRS\EXPORT16\IMAGEOUT16\851\617\85161714\xml2\SOU0003.JPG
	\\TICRS\EXPORT16\IMAGEOUT16\851\617\85161714\xml2\SOU0004.JPG
SIGNATORY'S NAME	Daniel Ponsy
SIGNATORY'S POSITION	Intellectual Property Director
FILING INFORMATION	
SUBMIT DATE	Tue Oct 15 14:43:16 EDT 2013
TEAS STAMP	USPTO/SOU-XX.XXX.XXX.X-20 131015144316130421-851617 14-50054398123a66c83a8989 17c2dd055cdf98c7d1b559653 cb2a88779b47834e73-DA-120 7-20131015142950758387

**Trademark/Service Mark Statement of Use
(15 U.S.C. Section 1051(d))**

To the Commissioner for Trademarks:

MARK: ARSENE LUPIN(Standard Characters, see <http://tess2.uspto.gov/ImageAgent/ImageAgentProxy?getImage=85161714>)

SERIAL NUMBER: 85161714

The applicant, Guerlain S.A., having an address of
68, avenue des Champs-Elysees
75008 Paris,
France

is submitting the following allegation of use information:

For International Class 003:

Current identification: Perfumery for men

The mark is in use in commerce on or in connection with all of the goods/services, or to indicate membership in the collective organization listed in the application or Notice of Allowance or as subsequently modified for this specific class.

The mark was first used by the applicant, or the applicant's related company, licensee, or predecessor in interest at least as early as 00/00/2010, and first used in commerce at least as early as 10/01/2010, and is now in use in such commerce. The applicant is submitting one specimen for the class showing the mark as used in commerce on or in connection with any item in the class, consisting of a(n) online point-of-sale display with ordering information.

[Specimen File1](#)

The applicant is not filing a Request to Divide with this Allegation of Use form.

A fee payment in the amount of \$100 will be submitted with the form, representing payment for the allegation of use for 1 class.

Declaration

Original PDF file:

[hw_631381729-142950758 . ARSENE LUPIN - Signed Allegation of Use_F1322674 .PDF](#)

Converted PDF file(s) (2 pages)

[Signature File1](#)

[Signature File2](#)

Signatory's Name: Daniel Ponsy

Signatory's Position: Intellectual Property Director

RAM Sale Number: 85161714

RAM Accounting Date: 10/16/2013

Serial Number: 85161714

Internet Transmission Date: Tue Oct 15 14:43:16 EDT 2013

TEAS Stamp: USPTO/SOU-XX.XXX.XXX.X-20131015144316130

421-85161714-50054398123a66c83a898917c2d

d055cdf98c7d1b559653cb2a88779b47834e73-D

A-1207-20131015142950758387



Guerlain
Arsene Lupin/3.3 oz.
☆☆☆☆☆ [Be The First to Write a Review](#)

Like 0

The collection Les Parisiens consists of exclusive editions of men's fragrances from Guerlain's rich heritage, reissued at the request of their devotees who cannot bear the thought of going without them. The fragrances belonging to the collection are resplendent in glass bottles, offset by a handcrafted wooden frame, in an understated masculine style. Arsene Lupin is a famous French character by Maurice Leblanc, Aristocratic, ardent and amorous. He is the ultimate cat burglar, a man with two sides. Here, Arsène Lupin reveals his noble, mysterious and elegant nature. A sumptuous and unique fragrance for the bold, dandy man. 3.3 oz.
The Notes: Top: Bitter Orange Heart: Violet Base: Leather

DUE TO HIGH DEMAND, A CUSTOMER MAY ORDER NO MORE THAN 6 UNITS OF THIS ITEM EVERY THIRTY DAYS.

\$245.00 0447065839174

QTY. *

[ADD TO BAG](#)

SHARE: +1

RECENTLY VIEWED ITEMS



Guerlain
Arsene Lupin Voyou/3.3 oz.
0447065839181
\$245.00



People Who Viewed This Also Viewed



Guerlain
Arsene Lupin Voyou/3.3 oz.
\$245.00
[Full Product Details](#)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Guerlain S.A.
Serial No: 85/161,714
Mark: **ARSENE LUPIN**
Allowed: June 4, 2013
Class: 3
Our Ref: GNS 1007524

ALLEGATION OF USE

FEE
Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

Applicant is the owner of the mark sought to be registered and is now using the mark in commerce on or in connection with all goods identified in the Notice of Allowance for this application and requests that said mark be registered in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946.

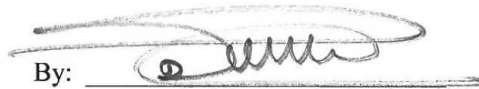
The mark was first used on the goods anywhere at least as early as 2010 and in commerce at least as early as October 1st 2010

One specimen showing the mark as used in commerce on or in connection with the goods is presented herewith.

DECLARATION

The undersigned, being hereby warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements and the like may jeopardize the validity of the application or document or any registration resulting therefrom, declares that he is properly authorized to execute this paper on behalf of the Owner; and all statements made of his own knowledge are true; and all statements made on information and belief are believed to be true.

Guerlain S.A.

By: 
[signature]

Name: Daniel Ponsy

Title: Intellectual Property Director

Date: October 10th, 2013

FEE RECORD SHEET

Serial Number: 85161714



RAM Sale Number: 85161714

Total Fees: \$100

RAM Accounting Date: 20131016

<u>Transaction</u>	<u>Fee Code</u>	<u>Transaction Date</u>	<u>Fee per Class</u>	<u>Number of Classes</u>	<u>Total Fee</u>
Statement of Use (SOU)	7003	20131015	\$100	1	\$100

Transaction Date: 20131015



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- : Opposition No. 91226322
AMPEL, LLC, :
Applicant. :
-----X

EXHIBIT KK

TO

OPPOSER'S NOTICE OF RELIANCE IN REBUTTAL

ESTTA Tracking number: **ESTTA429943**

Filing date: **09/12/2011**

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

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Lupin Pharmaceuticals, Inc.
Granted to Date of previous extension	09/11/2011
Address	Harborplace Tower 111 South Calvert St. 21st Floor Baltimore, MD 21202 UNITED STATES

Attorney information	Robert L. Powley Powley & Gibson, P.C. 304 Hudson Street, 2nd Floor New York, NY 10013 UNITED STATES trademarks@powleygibson.com, mwallach@powleygibson.com Phone:212-226-5054
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Applicant Information

Application No	85161714	Publication date	03/15/2011
Opposition Filing Date	09/12/2011	Opposition Period Ends	09/11/2011
Applicant	Guerlain S.A. 68, avenue des Champs-Elysees 75008 Paris, FRANCE		

Goods/Services Affected by Opposition


Class 003. All goods and services in the class are opposed, namely: Perfumery for men
--

Grounds for Opposition


Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

Marks Cited by Opposer as Basis for Opposition

U.S. Application No.	77766890	Application Date	06/24/2009
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	LUPIN		

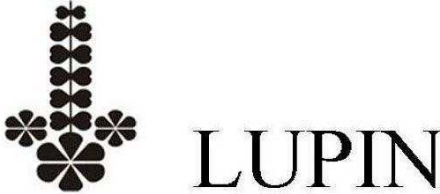
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 2005/07/01 First Use In Commerce: 2005/07/01 HOUSE MARK FOR FULL LINE OF PHARMACEUTICALS FOR MEDICAL PURPOSES, BUT EXCLUDING DIETARY SUPPLEMENTS AND EDIBLE FLOUR		

U.S. Application No.	77766816	Application Date	06/24/2009
Registration Date	NONE	Foreign Priority Date	NONE

Word Mark	LUPIN		
Design Mark			
Description of Mark	The mark consists of the word "Lupin" and a flower shaped design.		
Goods/Services	Class 005. First use: First Use: 2005/07/01 First Use In Commerce: 2005/07/01 HOUSE MARK FOR FULL LINE OF PHARMACEUTICALS FOR MEDICAL PURPOSES		

U.S. Application/Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	LUPIN		
Goods/Services	pharmaceutical products		

U.S. Application/Registration No.	NONE	Application Date	NONE
Registration Date	NONE		

Design Mark	
Goods/Services	pharmaceutical products

Attachments	77766890#TMSN.jpeg (1 page)(bytes) 77766816#TMSN.jpeg (1 page)(bytes) 9.12.11-390.102-Notice of Opposition - ARSENE LUPIN.pdf (6 pages))(1277121 bytes) Exhibit A.pdf (7 pages)(47165 bytes) VS 2 new lupin BIG2.jpg
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Certificate of Service


The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.


Signature	/rlp/
Name	Robert L. Powley
Date	09/12/2011

1. Opposer is a corporation organized under the laws of the State of Virginia with a principal place of business located at Harborplace Tower, 111 South Calvert St., 21st Floor, Baltimore, MD 21202.

2. Upon information and belief, Applicant is a corporation located at 68, avenue des Champs-Elysees, 75008 Paris, France.

3. At least as early as July 1, 2005, Opposer began using the trademarks LUPIN and  LUPIN for pharmaceutical products. Opposer has continuously used and has never abandoned the trademarks LUPIN and  LUPIN for those goods.

4. Opposer is the owner of U.S. federal trademark applications for the LUPIN and  LUPIN trademarks for the following goods:

	Trademark	Goods
1	LUPIN (77/766,890)	House mark for full line of pharmaceuticals for medical purposes, but excluding dietary supplements and edible flour
2	 LUPIN (77/766,816)	House mark for full line of pharmaceuticals for medical purposes

Copies of records from the Trademark Applications and Registration Retrieval (“TARR”) system of the United States Patent and Trademark Office (“USPTO”) are attached hereto as Exhibit A (The trademarks in paragraphs three and four will hereinafter be referred to collectively as the “LUPIN Trademarks”).

5. Opposer’s trademark rights in the LUPIN Trademarks are valid and subsisting.

6. By virtue of its advertising and promotional activities, and by virtue of the quality of its goods, Opposer has gained a valuable reputation in the pharmaceutical industry and has developed valuable good will in connection with the LUPIN Trademarks.

7. Opposer's Trademarks have become well-known through Opposer's sale of various types of pharmaceuticals and healthcare products in the United States and in other countries.

8. Opposer has extensively used, advertised, and promoted the LUPIN Trademarks in the United States and in other countries, and as a result, Opposer's LUPIN Trademarks have become famous.

9. Opposer's LUPIN Trademarks are distinctive when used in connection with the goods listed in paragraphs three and four above and consumers have come to recognize Opposer as the sole source of these goods.

10. On information and belief, on October 26, 2010, Applicant filed the intent-to-use application at issue herein, Application Serial No. 85/161,714, in the United States Patent and Trademark Office under Section 1(b) of the United States Trademark Act seeking to register the trademark ARSENE LUPIN on the Principal Register for "perfumery for men" in Class 3.

11. Opposer's rights in the LUPIN Trademarks predate and are superior to the rights Applicant alleges in its intent-to-use Application Serial No. 85/161,714.

12. Opposer's LUPIN Trademarks are well-known and in fact achieved fame prior to Applicant's intent-to-use application date of October 26, 2010.

13. Applicant's trademark ARSENE LUPIN incorporates Opposer's trademark LUPIN in its entirety.

14. Applicant's trademark ARSENE LUPIN so resembles the LUPIN Trademarks in appearance, sound, connotation and commercial impression as to be likely, when applied to

Applicant's goods to cause confusion, to cause mistake, or to deceive so that registration thereof would damage Opposer within the meaning of 15 U.S.C. § 1063. As such, Applicant's trademark is not entitled to registration pursuant to the United States Trademark Act, 15 U.S.C. § 1052(d).

15. Applicant's use of the trademark ARSENE LUPIN is likely to cause consumers mistakenly to believe that Applicant's goods are derived from or are affiliated, connected, associated, sponsored, approved or authorized by Opposer, when such is not the case, and would be likely to cause confusion, deception, or mistake among consumers.

16. Opposer will be damaged by registration of Applicant's trademark ARSENE LUPIN because any defects or faults found with Applicant's goods offered in connection with the trademark ARSENE LUPIN are likely to reflect upon or injure the reputation which Opposer has established in connection with its LUPIN Trademarks.

17. Opposer will be damaged by registration of Applicant's trademark ARSENE LUPIN because such registration will give Applicant *prima facie* evidence of ownership of and the exclusive right to use the trademark ARSENE LUPIN which is confusingly similar to Opposer's LUPIN Trademarks, in derogation of Opposer's rights in its LUPIN Trademarks.

18. Additionally, Opposer will be damaged by registration of Applicant's trademark ARSENE LUPIN because Applicant's trademark will dilute Opposer's famous LUPIN Trademarks. As such, Applicant's trademark is not entitled to registration pursuant to the United States Trademark Act 15 U.S.C. § 1125.

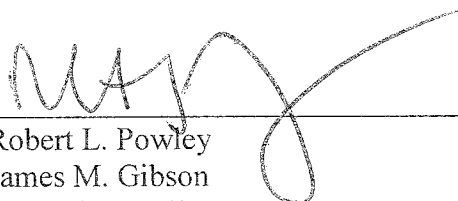
19. This Opposition is timely filed and accompanied by the appropriate filing fee.

WHEREFORE, Opposer respectfully requests that the registration sought by Applicant be refused, that the Notice of Opposition be sustained, and that the Trademark Trial and Appeal Board grant such other relief as it deems just and proper.

The required fee of \$300.00 for opposition against the subject application is enclosed herewith.

Dated: September 12, 2011

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'R. Powley', is written over a horizontal line. The signature is stylized and cursive.

Robert L. Powley
James M. Gibson
Michelle K. Riley

Powley & Gibson, P.C.
304 Hudson Street, 2nd Floor
New York, New York 10013
Tel. (212) 226-5054
Fax. (212) 226-5085

Attorneys for Opposer
Lupin Pharmaceuticals, Inc.

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

In the matter of Application Serial No. 85/161,714
For the Mark: ARSENE LUPIN
Published in the Official Gazette on March 15, 2011

-----X
:
Lupin Pharmaceuticals, Inc. :
:
Opposer, :
:
-against- :
:
Guerlain S.A., :
:
Applicant. :
:
:
-----X

CERTIFICATE OF SERVICE UNDER 37 C.F.R §2.119

I hereby certify that on this 12th day of September, 2011, a true and correct copy of the foregoing Notice of Opposition was served on counsel of record for the Applicant by United States Postal Service first class mail, postage prepaid, at Applicant's correspondence address on record in the United States Patent and Trademark Office:

David Ehrlich, Esq.
Fross Zelnick Lehrman & Zissu, P.C.
866 United Nations Plz
New York, NY 10017-1822



Michelle K. Riley

EXHIBIT A

Thank you for your request. Here are the latest results from the [TARR web server](#).

This page was generated by the TARR system on 2011-09-12 14:19:03 ET

Serial Number: 77766890 [Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: (NOT AVAILABLE)

Mark

LUPIN

(words only): LUPIN

Standard Character claim: Yes

Current Status: Application has been published for opposition. The opposition period begins on the date of publication.

Date of Status: 2011-06-28

Filing Date: 2009-06-24

The Information will be/was published in the Official Gazette on 2011-06-28

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 112

Attorney Assigned:
AIKENS RONALD E

Current Location: 650 -Publication And Issue Section

Date In Location: 2011-05-25

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Lupin Pharmaceuticals, Inc.

Address:
Lupin Pharmaceuticals, Inc.
Harborplace Tower 111 South Calvert Street, 21st Floor
Baltimore, MD 21202
United States
Legal Entity Type: Corporation
State or Country of Incorporation: Maryland

GOODS AND/OR SERVICES

International Class: 005

Class Status: Active

HOUSE MARK FOR FULL LINE OF PHARMACEUTICALS FOR MEDICAL PURPOSES, BUT EXCLUDING
DIETARY SUPPLEMENTS AND EDIBLE FLOUR

Basis: 1(a)

First Use Date: 2005-07-01

First Use in Commerce Date: 2005-07-01

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2011-09-09 - Attorney Revoked And/Or Appointed

2011-09-09 - TEAS Revoke/Appoint Attorney Received

2011-06-28 - Published for opposition

2011-06-08 - Notice of publication

2011-05-25 - Law Office Publication Review Completed

2011-05-24 - Approved for Pub - Principal Register (Initial exam)

2011-05-24 - Assigned To Examiner

2011-01-25 - Report Completed Suspension Check Case Still Suspended

2011-01-25 - Assigned To LIE

2010-07-22 - Letter of suspension mailed

2010-07-22 - Suspension Letter Written

2010-03-17 - Letter of suspension mailed

2010-03-16 - Suspension Letter Written

2010-03-11 - Teas/Email Correspondence Entered

2010-03-11 - Communication received from applicant

2010-03-11 - TEAS Response to Office Action Received

2009-09-24 - Non-final action mailed

2009-09-23 - Non-Final Action Written

2009-09-23 - Assigned To Examiner

2009-06-29 - New Application Office Supplied Data Entered In Tram

2009-06-27 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Robert L. Powley

Correspondent

Robert L. Powley

Powley & Gibson, P.C.

304 Hudson Street, 2nd Floor

New York NY 10013

Phone Number: 212-226-5054

Fax Number: 212-226-5085

Thank you for your request. Here are the latest results from the [TARR web server](#).

This page was generated by the TARR system on 2011-09-12 14:19:53 ET

Serial Number: 77766816 [Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: (NOT AVAILABLE)

Mark



(words only): LUPIN

Standard Character claim: No

Current Status: A non-final Office action has been sent (issued) to the applicant. This is a letter from the examining attorney requiring additional information and/or making an initial refusal. The applicant must respond to this Office action. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

Date of Status: 2011-07-12

Filing Date: 2009-06-24

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 112

Attorney Assigned:
AIKENS RONALD E

Current Location: M3X -TMO Law Office 112 - Examining Attorney Assigned

Date In Location: 2011-07-12

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Lupin Pharmaceuticals, Inc.

Address:
Lupin Pharmaceuticals, Inc.
Harborplace Tower 111 South Calvert Street, 21st Floor
Baltimore, MD 21202
United States
Legal Entity Type: Corporation
State or Country of Incorporation: Maryland

GOODS AND/OR SERVICES

International Class: 005

Class Status: Active

HOUSE MARK FOR FULL LINE OF PHARMACEUTICALS FOR MEDICAL PURPOSES

Basis: 1(a)

First Use Date: 2005-07-01

First Use in Commerce Date: 2005-07-01

ADDITIONAL INFORMATION

Color(s) Claimed: Color is not claimed as a feature of the mark.

Description of Mark: The mark consists of the word "Lupin" and a flower shaped design.

Design Search Code(s):

05.03.08 - More than one leaf, including scattered leaves, bunches of leaves not attached to branches

05.03.25 - Leaf, single; Other leaves

05.05.25 - Daffodils; Iris (flower); Other flowers

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2011-09-09 - Attorney Revoked And/Or Appointed

2011-09-09 - TEAS Revoke/Appoint Attorney Received

2011-07-12 - Non-final action mailed

2011-07-12 - Non-Final Action Written

2011-07-12 - Previous Allowance Count Withdrawn

2011-06-13 - Withdrawn From Pub - Og Review Query

2011-06-01 - Law Office Publication Review Completed

2011-05-31 - Assigned To LIE

2011-05-24 - Approved for Pub - Principal Register (Initial exam)

2011-05-24 - Assigned To Examiner

2011-01-07 - Report Completed Suspension Check Case Still Suspended

2010-12-20 - Teas/Email Correspondence Entered

2010-12-20 - Communication received from applicant

2010-12-20 - TEAS Response To Suspension Inquiry Received
2010-07-07 - Letter of suspension mailed
2010-07-06 - Suspension Letter Written
2010-01-14 - Non-final action mailed
2010-01-14 - Non-Final Action Written
2009-12-21 - Teas/Email Correspondence Entered
2009-12-21 - Communication received from applicant
2009-12-21 - TEAS Response to Office Action Received
2009-09-24 - Non-final action mailed
2009-09-23 - Non-Final Action Written
2009-09-23 - Assigned To Examiner
2009-06-30 - Notice Of Design Search Code Mailed
2009-06-29 - New Application Office Supplied Data Entered In Tram
2009-06-27 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record
Robert L. Powley

Correspondent
Robert L. Powley
Powley & Gibson, P.C.
304 Hudson Street, 2nd Floor
New York NY 10013
Phone Number: 212-226-5054
Fax Number: 212-226-5085

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- : Opposition No. 91226322
AMPEL, LLC, :
Applicant. :
-----X

EXHIBIT LL

TO

OPPOSER'S NOTICE OF RELIANCE IN REBUTTAL

WIKIPÉDIA

Maurice Leblanc

Maurice Marie Émile Leblanc (/ləˈblɑːn/; French: [ləblɑ̃]; 11 November 1864 – 6 November 1941) was a French novelist and writer of short stories, known primarily as the creator of the fictional gentleman thief and detective Arsène Lupin, often described as a French counterpart to Arthur Conan Doyle's creation Sherlock Holmes.^[2]

Contents

- Biography
- Influences
- Selected bibliography
- References
- External links

Biography

Leblanc was born in Rouen, Normandy, where he was educated at Lycée Pierre-Corneille.^[3] After studying in several countries and dropping out of law school, he settled in Paris and began to write fiction, both short crime stories and longer novels. The latter, heavily influenced by writers like Gustave Flaubert and Guy de Maupassant, were critically admired but had little commercial success.

Leblanc was largely considered little more than a writer of short stories for various French periodicals until the first Arsène Lupin story appeared in a series of short stories that was serialized in the magazine *Je sais tout*, starting in No. 6, dated 15 July 1905. Clearly created at editorial request under the influence of and in reaction to the wildly successful Sherlock Holmes stories, the roguish and glamorous Lupin was a surprise success and Leblanc's fame and fortune beckoned. In total, Leblanc went on to write 21 Lupin novels or collections of short stories.

The character of Lupin might have been based by Leblanc on French anarchist Marius Jacob, whose trial made headlines in March 1905. It is also possible that Leblanc had also read Octave Mirbeau's *Les 21 jours d'un neurasthénique* (1901), which features a gentleman thief named Arthur Lebeau, and he had seen Mirbeau's comedy *Scrupules* (1902), whose main character is a gentleman thief.

By 1907, Leblanc had graduated to writing full-length Lupin novels, and the reviews and sales were so good that Leblanc effectively dedicated the rest of his career to working on the Lupin stories. Like Conan Doyle, who often appeared embarrassed or hindered by the success of Sherlock Holmes and seemed to regard his success in the field of crime fiction as a detraction from his more "respectable" literary ambitions, Leblanc also appeared to have resented Lupin's success. Several times, he tried to create other characters, such as private eye Jim Barnett, but he eventually merged them with Lupin. He continued to pen Lupin tales well into the 1930s.

Leblanc also wrote two notable *science fiction* novels: *Les Trois Yeux* (1919), in which a scientist makes televisual contact with three-eyed Venusians, and *Le Formidable Évènement* (1920), in which an earthquake creates a new landmass between England and France.

Leblanc was awarded the *Légion d'Honneur* for his services to literature, and died in Perpignan in 1941. He was buried in the Montparnasse Cemetery. Georgette Leblanc was his sister.

Influences

The character Arsène Lupin III, protagonist of the Japanese manga *Lupin III* beginning in 1967, was written as the grandson of Arsène Lupin but without permission from Leblanc's estate. That was later the source of a lawsuit though the copyright on Leblanc's work has since expired. When the anime version was broadcast in France, the character was renamed *Edgar, le détective cambrioleur* ("Edgar, the Burglar Detective"). The authors of the various *Lupin III* properties drew on Leblanc's novels as inspiration; notably, the film *The Castle of Cagliostro* was loosely based on *La Comtesse de Cagliostro* (*The Countess of Cagliostro*).

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- Les Lèvres jointes* (1899)
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- Un vilain couple* (1901)
- Gueule rouge* (1904)
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- L'Aiguille creuse* ("The Hollow Needle") (1909)
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- La Robe d'écaille rose* (1920)
- Le Formidable Évènement* ("The Tremendous Event") (1920)
- Le Cercle rouge* (1922)
- Dorothée, danseuse de corde* (US: "The Secret Tomb", UK: "Dorothy the Rope Dancer") (1922)
- La Vie extravagante de Balthazar* (1925)

Maurice Leblanc



Born	11 November 1864 <div>Rouen, France</div>
Died	6 November 1941 (aged 76) ^[1] <div>Perpignan, France</div>
Nationality	France



Leblanc's house in Étretat, today the museum Le clos Arsène Lupin.

- *Le Prince de Jéricho* ("Man of Mystery") (1930)
- *Les Clefs mystérieuses* (1932)
- *La Forêt des aventures* (1933)
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- Works by Maurice Leblanc (<https://fadedpage.com/csearch.php?author=Leblanc%2C%20Maurice>) at Faded Page (Canada)
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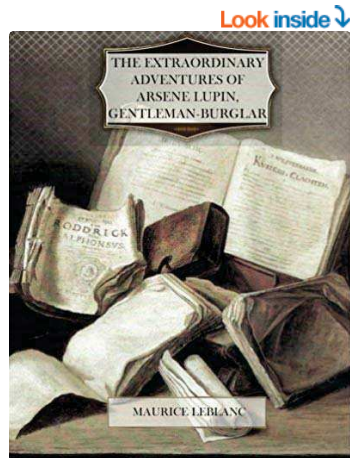
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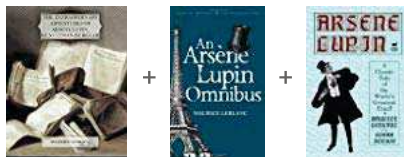
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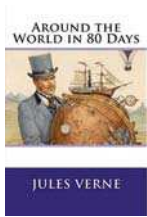
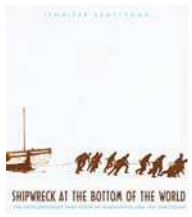
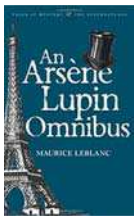


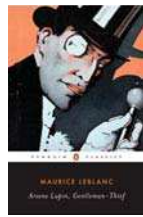

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About the Author

A contemporary of Sir Arthur Conan Doyle, Maurice Leblanc (1864 1941) was the creator of the character of gentleman thief Arsène Lupin who, in Francophone countries, has enjoyed a popularity as long-lasting and considerable as Sherlock Holmes in the English-speaking world.


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Arsene Lupin is not Sherlock Holmes yes but I was hoping for something clever like Sherlock Holmes since he is Arsene Lupin. He may be an actor and dislikes being one person and only have one personality but the he ends not having a personality I can see. He just seems to do whatever and a line from the book says that you don't know Arsene Lupin by his voice or personality but you know him by his actions his crimes. Well I didn't learn anything about his methods or how he goes about them just that he's good at unlocking safes. I was hoping for a long book series but Hercule Poirot and Arsene Lupin are just not on my list, so far only Sherlock and finished all of his books already.

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Sacré bleu! No jewel is safe from this master thief

By [Karl Janssen](#) [Top Contributor: Fantasy Books](#) on August 17, 2015

Format: Kindle Edition

Arsène Lupin is often described as the French answer to Sherlock Holmes, and for good reason. Author Maurice Leblanc seems to have created the character in response to Sir Arthur Conan Doyle's famous detective, and the stories of both share a common atmosphere and tone. The setting of the Lupin stories is slightly more modern than those of Holmes—more automobiles and fewer horses, for example—but both series sport an entertaining combination of period chic, intellectual challenge, delightful suspense, and good-natured fun. The Extraordinary Adventures of Arsène Lupin, Gentleman-Burglar, originally published in 1907, is the first book in the Lupin series. It collects nine short stories that were originally published in the French magazine Je sais tout. The book is sometimes presented as a novel of nine chapters, but in fact each “chapter” functions as a stand-alone short story. Like the Holmes stories, however, it does pay to read them sequentially. Lupin's debut adventure, “The Arrest of Arsène Lupin,” is a masterpiece. A transatlantic liner heading for America receives a telegram informing the crew that the notorious criminal is on board their vessel. [Read more](#)

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By [Badminton4Life](#) on March 19, 2014

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Arsene Lupin was translated into chinese by a passionate literature professor. As a child I used to read the chinese version and imagine the awesome adventures he goes on. Now in english I understand more details of the story as anything translated always loses a certain detail / flavor.

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Arsene Lupin, the original gentleman burglar.

By [Daniel Goldman](#) on August 24, 2013

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If you've ever watched the pink panther then you've had a glimpse into the adventures of Arsene Lupin, the story of a gentleman thief, as bright as Sherlock Holmes, yet on the opposite side of the law. As for his nature, while Lupin is most definitely a criminal, it would be difficult to call him a villain. If you're a fan of Sherlock Holmes or simply a fan of adventure and mystery, this is definitely a good read.

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Not the French equivalent to Holmes

By [A Critic](#) on May 17, 2012

A few of these adventures of Lupin are mildly amusing or contain spots of good writing. My favorite is the one where he accuses a robber who got the drop on him of being himself, and proceeds to use his own deductive reasoning to track him down and capture him with the aid of the police. Another funny one is where Lupin inadvertently becomes the patsy of the very folks he was trying to elaborately defraud. Sometimes, there is also an interesting whimsical quality to LeBlanc's writing, such as when Lupin is described as being the champion of various challenges, like bicycle racing and an expert in Judo. But, I feel, most of the stories tend rather to the bland. Lupin's theiving never acheives that great unwinding mystery that is often present in Sherlock Holmes, and most of the stories don't acheive the heights of whimsy that LeBlanc was capable off and displayed sometimes in this book. Seldom is there much sense of urgency or struggle; Lupin seems too capable, too impossibly slippery to ever get caught. Many of the devices seem weak. In one story, the solution involves a plank between windows. In another, there is a secret passage. [Read more](#)

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Fun Stories of the French Version of Sherlock Holmes

By [ironman96](#) [VINE VOICE](#) on February 5, 2011

Arsene Lupin is a fun character, and the short stories that make up the book are along the lines of Sherlock Holmes. I'd still rate Holmes as higher quality, but these are enjoyable. Lupin is a thief portrayed as a hero, a ladies man, a gentleman. In each story, Lupin has found a new way to fool the readers, his victims, and the police. The book is a light, quick read. Unfortunately, the publisher pushed it out way too quickly, missing a number of typos. 3.5 stars

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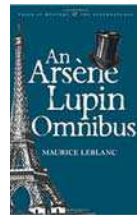
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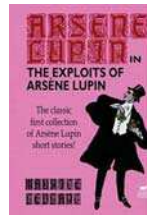
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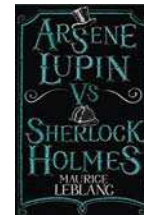
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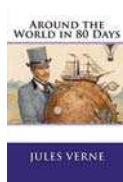
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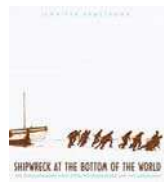
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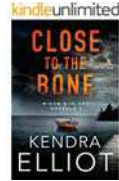


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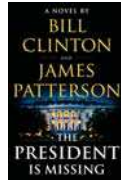
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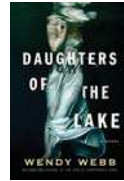
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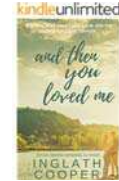
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By **MOBDAUNT HALL.** FEB. 27, 1932

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Lionel and John Barrymore respectively as a Parisian police chief and a French duke pit their wits against each other in an elaborate, up-to-date screen version of the old French play "Arsène Lupin." These two brothers last appeared together on the stage in 1919 in "The Jest," but this is the first time they have graced the same picture. It is a happy idea and it is to be hoped that it will be repeated again and again. There are plenty of surprises in this "Arsène Lupin," and so as not to spoil the story for those who may read this review, the less said about certain details the better. Sometimes it is quite certain that Guerchard, the police chief, played by Lionel Barrymore, is the daring thief "Arsène Lupin," but on other occasions one feels sure that the Duke of Charmerace (John Barrymore) is the criminal. Be that as it may, it can be stated that Arsène Lupin is a clever crook, who on several occasions startles the French capital. He threatens to enter a place at midnight and everything is in readiness for his reception. But, nevertheless, he succeeds

in getting away with jewelry and money and apparently causing Guerchard no end of misery. Lupin, it is decided through examination of his footprints, is lame and wears hob-nails in the heels of his shoes. Guerchard is perceived scrutinizing a replica of one of Lupin's footprints and then he looks at one of his own shoes. It has hobnails on the heel and, try as much as he will to conceal it, nobody can miss observing that Guerchard limps. When the Duke is suspected of being the criminal he laughs at Guerchard and later the police chief is himself held in a room at the point of a pistol, because he has no papers to prove that he is Guerchard. Pretty women are apt to be spies for the police chief, and the Duke discovers one of them in his bedroom. M. Gourney-Martin, a man of wealth, learns that Lupin is to visit his country place and the police are notified, but in spite of all the pains taken and having the ballroom watched by many minions of the law, Lupin succeeds in getting away with money and jewels. Who is this mysterious scoundrel? That is the question the audience does not decide until the film has run more than half its length. Lupin is up to many other tricks and he outwits the police most exasperatingly when he sends word that he is bent on stealing the Leonardo da Vinci masterpiece, the "Mona Lisa." Guerchard has the Louvre guarded by an army of sleuths and men in uniform. How wily Guerchard thinks that he is when he tells the Prefect of Police that he has taken no chances but has replaced the real painting with a copy. As the police chief relates this bit of shrewdness, it suddenly occurs to him that the real painting might be in danger and he forthwith goes to the place where he has hidden it and it is gone. On the frame is written in chalk "Tut tut!" and when they return to the place where the copy hung, there is also written "Tut tut!" A queer old flower vendor runs around and not long afterward there are two of these flower vendors, so much alike one could not tell t'other from which. This film possesses a good deal of humor and some very neat ideas. Lionel Barrymore is admirable and so is John, whom it is a pleasure to see again in something in a lighter vein. Karen Morley is attractive and efficient in the leading female rôle. Tully Marshall does splendidly as Gourney-Martin, who hopes to save valuables in the safe from the artful Lupin by an electric contrivance. Henry Armetta and George Davis do capital work as a brace of Sheriff's men. On the stage is "Forward March," with Tyrrell and Fawcett, the Twelve American Steppers, and others.

ARSENE LUPIN, an adaptation of the play by Maurice Le Blanc and Francis de Croisset; directed by Jack Conway; produced by Metro-Goldwyn-Mayer. At the Capitol. Duke of Charmerace John Barrymore Guerchard . .

. . . Lionel Barrymore Sonia Karen Morley Perfect of Police John Miljan Gourney-Martin Tully
Marshall Sheriff's Man Henry Armetta Sheriff's Man George Davis Butler John Davidson Laurent
. James Mack Marie Mary Jane Irving

A version of this review appears in print on February 27, 1932 of the National edition with the headline: John and Lionel Barrymore Engage in a Battle of Wits in a Film Version of "Arsene Lupin."

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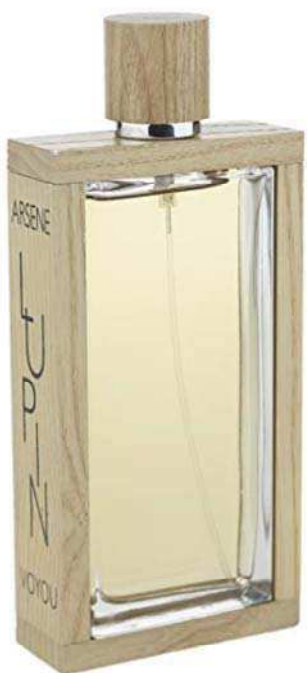


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LUPIN^{THE}3rd





LUPIN THE 3rd Part5 episode:24 "Viva Lupin III"

2018/9/21

Lupin III has vanished from the internet. Meanwhile, the man himself is updating Peoplelog with confidential information that begins to throw the world into chaos. The international community is forced into armed intervention in order to shut down Peoplelog and the Shake Hands company. As Orig Island turns into a battlefield, Lupin finally appears! What is his ultimate plan for dealing with Peoplelog?



backnumber

Lupin III, grandson of the infamous phantom thief Lupin, is a notorious thief who never fails in taking what he targets. Lupin works along with Daisuke Jigen, Goemon Ishikawa, and Fujiko Mine. Despite dealing against inspector Zenigata, who has dedicated his life into capturing Lupin, they continue to swiftly take their targeted treasures.

Celebrating 50 years! A long running anime series with a wide spread popularity.



LUPIN THE 3rd PART 1 (1971)

Start with a bang! A cool and comedic debut that made an impact on its viewers. The starting point of new legacy.



LUPIN THE 3rd PART 2 (1977)

Bright and fun along with a bright red jacket! The second series of Lupin with variety of drama and thrills.

LUPIN THE 3rd PART 3 (1984)



Serious yet wild! The third series of Lupin that followed the taste of the original comics.

LUPIN THE 3rd PART 4 (2015)

The gang is back! The long awaited fourth series of Lupin. Watch Lupin outmaneuver MI-6 all over Italy!

A timeless classic, famous among fans.



LUPIN THE 3rd "THE CASTLE OF CAGLIOSTRO" (1979)

Directed by Hayao Miyazaki. The great thief makes his target a young girl's heart.

Special episodes directed by Takeshi Koike, known for his clean and sharp animations filled with action. These episodes carry the similar dramatic atmosphere of the original comics.



LUPIN THE IIIIRD: Jigen's Grave Marker (2014)

The Extremely Skilled Sniper vs The Solitary Gunman!
A battle with Jigen's pride at stake.



LUPIN THE IIIIRD: Goemon The Splash of Blood (2017)

The Lone Swordsman, Goemon Ishikawa. Young Lupin and Goemon's crossing roads calls a storm.



Lupin III

Born within a family lineage of genius thieves, a man making trouble all over the world. Comes up with ridiculous ideas and uses bold techniques to get anything he targets.



Daisuke Jigen

A cool 0.3 second speed shooter genius gunman. Lupin also acknowledges his excellent handling. Analyzes even the most grave situations calmly, and breaks through difficult trouble. Loves drinking and smoking.

Goemon Ishikawa



A descendant of the Ishikawa Clan that produced a great phantom thief 400 years ago. An expert of Iaido who manipulates his sword, the Zantetsuken freely. There is nothing he cannot slice. A samurai swordsman with pride who continues his road of discipline to master his technique.



Fujiko Mine

A mysterious beauty who holds many faces. Has great looks and a perfect body, but also has an extraordinary mind that even has Lupin wrapped around her fingers. Her motives are simple, she just follows her own desires.



Inspector Zenigata

A part of the ICPO and in charge of investigating Lupin. A descendant of a famous detective of the Edo period. Has a burning obsession over arresting Lupin, and knows more about Lupin than anybody else.

Original comic books created by Monkey Punch

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Lupin the 3rd: The Castle of Cagliostro: Special Edition

1979 PG-13 1h 39m

Lupin, his sidekick Jigen and the samurai warrior Goemon set out to take over an evil counterfeit operation at Count Cagliostro's fortress.

Starring: Yasuo Yamada, Kiyoshi Kobayashi, Eiko Masuyama

Genres: Action & Adventure, Classic Action & Adventure, Action Comedies, Crime

Action & Adventure, Anime, Seinen Anime, Anime based on Comics, Comedy

Anime, Action Anime, Anime Features, Classic Movies, Cult Movies, Japanese Movies

Director: Hayao Miyazaki

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Hayao Miyazaki ("Spirited Away," "My Neighbor Totoro") directed his first feature film with this rollicking adventure.

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This movie is:

Exciting

Audio:

Japanese [Original], English, Spanish, Brazilian Portuguese

Subtitles:

English, Simplified Chinese, Japanese, Spanish, Traditional Chinese

Cast

Yasuo Yamada
Kiyoshi Kobayashi
Eiko Masuyama
Makio Inoue
Goro Naya

Sumi Shimamoto
Taro Ishida
Kohei Miyauchi
Ichiro Nagai

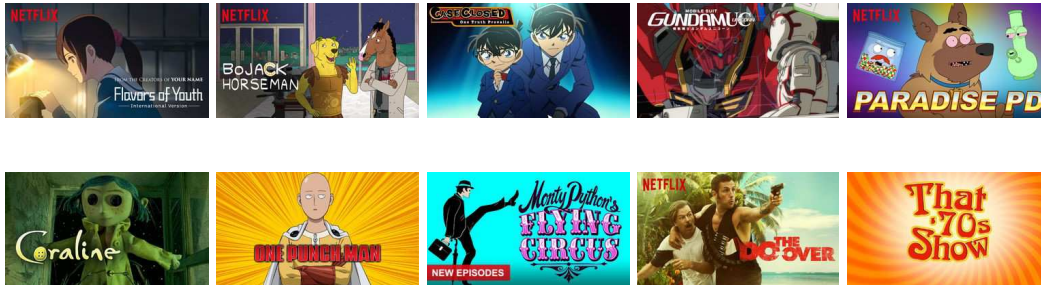
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Consumed by the mystery surrounding the donor heart that saved her life, a young patient starts taking on sinister characteristics of the deceased.

The Princess Switch

When a down-to-earth Chicago baker and a soon-to-be princess discover they look like twins, they hatch a Christmastime plan to trade places.

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The trolls, aliens and wizards living in Arcadia face off in an apocalyptic battle for control of their magical world. Created by Guillermo del Toro.

Seis Manos (Working Title)

Three orphaned martial arts warriors join forces with a DEA agent and a Mexican Federale to avenge the death of their beloved mentor.

The Kominsky Method

Michael Douglas stars as a briefly successful actor turned revered Hollywood acting coach. A Chuck Lorre comedy series also featuring Alan Arkin.

Diablero

A young priest enlists the help of a demon hunter and a paranormal expert to search for a kidnapped girl in the underworld of Mexico City.

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Lupin III

7.8/10

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TV-PG | 22min | Animation, Action, Adventure | TV Series (2015)

Episode Guide
26 episodes



The legendary burglar Lupin III sets off on an adventurous trip across Italy and San Marino.

Creator: [Monkey Punch](#)

Stars: [Kan'ichi Kurita](#), [Richard Cansino](#), [Lucien Dodge](#) | [See full cast & crew >](#)

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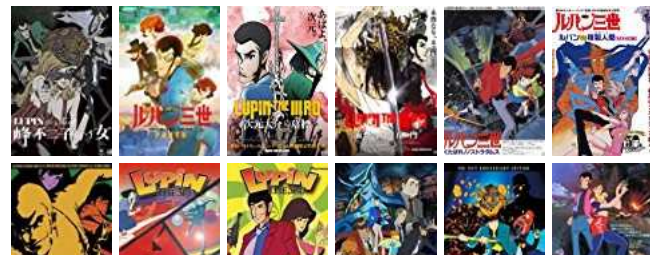
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To Hear You Sing Again

Lupin steals a valuable antique car, but discovers it to be possessed by the spirit of a pining lover.

★8.1 ☆Rate

S1.E27

The Harmony of the World: Part 2

Leonardo and Lupin face off, with the fate of Italy and Rebecca in the balance.

★8.0 ☆Rate

S1.E10

Requiem for Assassins

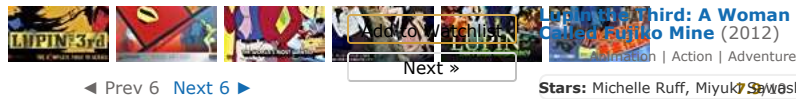
Goemon is hired to kill a dictator, and meets a pretty blonde who he swears to protect with his life.

★7.9 ☆Rate

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Candice Patton Chats About "The Flash"





Stars: Michelle Ruff, Miyuki Sawashi...

The story of how the fashionable femme fatale Fujiko Mine first met Lupin III, anime's greatest thief.

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Cast

Series cast summary:

	Kan'ichi Kurita	...	Arsene Lupin III	26 episodes, 2015
	Richard Cansino	...	Additional Voices	26 episodes, 2015
	Lucien Dodge	...	Additional Voices	26 episodes, 2015
	Doug Erholtz	...	Inspector Zenigata / ...	26 episodes, 2015
	Todd Haberkorn	...	Additional Voices	26 episodes, 2015
	Steve Kramer	...	Additional Voices	26 episodes, 2015
	Jeff Nimoy	...	Additional Voices	26 episodes, 2015
	Jamieson Price	...	Additional Voices	26 episodes, 2015
	Christopher Corey Smith	...	Additional Voices	26 episodes, 2015
	Michael Sorich	...	Additional Voices	26 episodes, 2015
	Spike Spencer	...	Additional Voices	26 episodes, 2015
	Terrence Stone	...	Additional Voices	26 episodes, 2015
	Kôichi Yamadera	...	Inspector Zenigata	24 episodes, 2015
	Kiyoshi Kobayashi	...	Daisuke Jigen	23 episodes, 2015
	Miyuki Sawashiro	...	Fujiko Mine	23 episodes, 2015
	Daisuke Namikawa	...	Goemon Ishikawa XIII	21 episodes, 2015
	Michelle Ruff	...	Fujiko Mine	18 episodes, 2015
	Richard Epcar	...	Daisuke Jigen	13 episodes, 2015
	Tony Oliver	...	Arsene Lupin III	13 episodes, 2015
	Robbie Daymond	...	Various / ...	11 episodes, 2015
	Yukiyo Fujii	...	Rebecca Rossellini	11 episodes, 2015
	Lex Lang	...	Goemon Ishikawa XIII	11 episodes, 2015

[See full cast >](#)

Storyline

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The legendary burglar Lupin III sets off on an adventurous trip across Italy and San Marino.



Candice Patton shares highlights of "The Flash" Season 5.

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Official Sites: [Official site](#)

Country: [Japan](#)

Language: [Japanese](#)

Release Date: April 2015 (Japan) [See more](#) »

Also Known As: [Lupin III - L'avventura italiana](#) [See more](#) »

Company Credits

Production Co: [Telecom Animation Film Company](#) [See more](#) »

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Technical Specs

Runtime: 22 min

Color: [Color](#)

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Did You Know?

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Trivia

The opening credits pays homage to the introductions from previous "Lupin III" features:

- the main cast are introduced within framed vignettes, as in the opening credits of [Lupin the 3rd](#) (1977)'s first season
- the shot of Fujiko riding her bike comes from her introduction in [Lupin the 3rd: Pilot Film](#) (1969) and the closing credits of [Lupin the 3rd](#) (1971)
- the shot of Fujiko in the shower comes from the first episode of [Lupin the 3rd](#) (1977)
- the shot of Goemon Ishikawa in the bamboo forest was taken from his introduction in [Lupin the 3rd](#) (1971)
- the shot of Lupin and Jigen in their Fiat is a homage to the title sequence of [The Castle of Cagliostro](#) (1979), where they were on a journey to a new adventure.

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Crazy Credits

The closing credits are a jazz love song from a nightclub singer (based on [Sayuri Ishikawa](#)). As she sings, she is seen living like Fujiko Mine: Lupin visits her bedroom at night, and later on she drives around in an automobile and finally watches the sunset. [See more](#) »

Connections

Followed by [Lupin III: The Italian Game](#) (2016) [See more](#) »

Soundtracks

Chanto Iwanakya Aisanai

(Say It, Or I Won't Give You My Love)

Composed and sung by [Sayuri Ishikawa](#)

Lyrics written by Tsunku

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Editorial Reviews

Hard-boiled, cocky, classy and silly. These words only begin to describe the amazing master thief Lupin the Third. With the help of some quick gunplay by his partner Jigen, Lupin takes on the world in elaborate heists, classic car chases, and nasty explosions. Fujiko, a buxom redhead with a penchant for betrayal, always gets tangled up in Lupin's capers. The stoic but swift swordsman Goemon is just as inclined to kill Lupin as he is to help him. And Lupin can never seem to lose the relentless Tokyo Police Inspector Zenigata. What sort of trouble will this band of misfits get into next? This collection contains the complete first series 1-23 of the original Lupin the 3rd TV series with Japanese audio and English subtitles.

Product details

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Subtitles: English

Region: Region 1 (U.S. and Canada only. [Read more about DVD formats.](#))

Number of discs: 3

Rated: Not Rated

Studio: Eastern Star

DVD Release Date: May 27, 2014

Run Time: 520 minutes

Average Customer Review: [48 customer reviews](#)


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Lupin Begins

July 20, 2012

Format: DVD **Verified Purchase**

When we think of Lupin today, we think of a funny, amicable thief who has a heart of gold. That's why some fans were a little put off by the fact that the newest Lupin TV series, "The Woman Named Fujiko Mine", was incredibly dark and disparate in its approach to the franchise. What those fans may not remember, however, is that the latest series is actually closer to the master thief's beginnings than any of the entries released in the last 20 years or so. "Lupin the 3rd: Series One" is sinister and mysterious, and much of its humor is perverted or black. However, this is not a knock on the show. In fact, it is a complement, for it is undoubtedly a classic that anybody, anime fan or no, will enjoy.

The shtick is pretty familiar at this point, so I'll keep it brief. Titular protagonist Arsene Lupin III is a master thief, known for his vivacious personality, ability to defy common logic, and weakness for women. His partner is Daisuke Jigen, a sharpshooter with a sharp wit to match; later, stoic master samurai Goemon Ishikawa XIII joins his team. Throughout it all, femme fatale Fujiko Mine constantly seduces and subsequently undermines the main trio's heists. Unlike her appearances in later entries, this Fujiko is coldhearted, and is more of a villain than fans of the second series would be led to believe. Underscoring this groups exploits is the brave, bumbling Inspector Zenigata, who is always just ONE STEP AWAY from catching Lupin. Together, this motley crew of characters get into various tight spots, helping and hindering each other in varying amounts.

40 people found this helpful

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 Lunar Boulevard

At Long Last!


November 5, 2012

Format: DVD **Verified Purchase**

Discotek Media has finally given us the complete first series of Lupin the 3rd and I couldn't be more thrilled. I'm not a big anime fan but the Lupin series sucked me in years ago. From the lovable characters to the thrilling adventures, I was immediately hooked and have slowly been building my collection as they've trickled into the States. I know many fans were eagerly awaiting this one and the wait was worth every second. The video is colorful and faithful to the original broadcasts and the extras are informative and fun. Even the packaging is sturdy and looks great on the shelf. It's great to have every episode of the first series and a major thank you goes out to Discotek for giving this series the time and attention it so badly deserves.

7 people found this helpful

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 Billy-Bob

What can I say, it's Lupin

September 22, 2012

Format: DVD **Verified Purchase**

I haven't seen these episodes of Lupin since my college days back during the early '80s when I would watch multi-generational VHS copies of Lupin and other anime with my friends at a local anime club. This box set certainly brings back some wonderful memories. I especially enjoyed watching the episodes directed by Miyazaki. I'll admit that the opening theme song is a bit annoying. The various opening theme songs from the second Lupin TV series was much better. Those songs had more of a Jazz flavor. The antics of Lupin and company are a treat. This crew doesn't always get to keep the loot nor does Lupin always get the girl, especially, if her name happens to be Fujiko! Come to think of it she often stiffs Lupin and makes off with the loot. Watch Lupin's first TV show and see how it all began. You'll be in for a hilarious and wild ride. Enjoy!

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 jay v

just an awesome show


September 2, 2014

Format: DVD **Verified Purchase**

Great series, but garbage as the Amazon description states ...

Great series, but garbage as the Amazon description states dubbed but it's only subbed.....already returned, thanks for wasting my time.


Published 1 year ago

 Rick LaPorte

CAUTION: JAPANESE AUDIO ONLY

CAUTION: JAPANESE AUDIO ONLY. This should be stated more clearly in the description. Normally I am okay with foreign language and English subtitles, but this show has great... [Read more](#)

Published 1 year ago


 Amazon Customer

Great compilation, menu music is same as the theme ...

No english dubs! It's all subbed!

Great compilation, menu music is same as the theme so it gets old. But I'm glad to have it.


Published 1 year ago

 machi

Very old Lupin episodes (with blue/green jacket and Fujiko's hair orange/brown), 1st TV series/generation episodes

I wished that the product description was more detailed. Jacket color and theme song would have helped me NOT to buy this particular DVD set that contains 1st series/generation of... [Read more](#)

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Published on September 28, 2016

 Pat Lee

Five Stars

Ordered for my grandson and he loves it


Published on August 24, 2016

 Antonio M.

not in english

box says its English dub and English sub. but its only Japanese's dub.

Published on March 2, 2016

 Josh

Five Stars

Great anime for classic collectors

Darker series than the later red jacket

Published on January 30, 2016

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I love Lupin the 3rd it's one of my favorite anime's ever but this is not the English dub version It only in Japanese so don't let the over view about the format lie to you but even without the English dub the show is still awesome and exciting to watch and easy to follow even if you didn't have the subtitles but the subtitles do a good job keeping up with the dialog and doesn't move to fast so you don't miss anything they say but every once in a while when there's two people have dialog in a fight seen it moves a little fast then but even without the dub it's an awesome show and worth watching.

2 people found this helpful

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 Amazon Customer

Meets standards,

November 21, 2015

Format: DVD **Verified Purchase**

NOTE BEFORE BUYING, THE ORIGINAL LUPIN THE THIRD NEVER HAD AN ENGLISH DUB, YOU WILL HAVE TO READ SUBTITLES BUT IT'S WORTH IT Boxes and disks meet standards, good start for my collection!

2 people found this helpful

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 George T. Pinkine

Five Stars

September 5, 2018

Format: DVD **Verified Purchase**

Fun anime characters from the past that brought back some fond memories of days gone by.

[Helpful](#) [Comment](#) [Report abuse](#)

 Golgotha 23


Five Stars

March 30, 2017

Format: DVD **Verified Purchase**

The first Lupin the 3rd series. It's excellent and funny. Very hardboiled and often very humorous. I can watch Jigen, Lupin, Goemon, and Fujiko carry out their silly antics over and over.

[Helpful](#) [Comment](#) [Report abuse](#)

 Jeremy Jones

Finest Lupin the 3rd series gets its first official stateside release

June 26, 2012

Format: DVD **Verified Purchase**

Since its creation in the late 60's, Lupin the 3rd has had several television series and feature-length adaptations of the original manga created by Monkey Punch. This DVD collects the first--and arguably, the best--series, with many episodes directed by legendary anime filmmaker Hayao Miyazaki. This is the first time that this series has been brought over for an official release here in the States, and as such, these episodes have never been dubbed. The language options are Japanese in 2.0, and Japanese in 5.1, with English subtitles, which is how the majority of Lupin fans would argue the series was meant to be seen anyway.

The package itself doesn't contain too many frills--liner notes for each episode and a couple episode commentary tracks by American "Lupin experts" are the two main bonus features, but it does contain both versions (theatrical and TV edit) of the Lupin feature-length pilot. It's not quite barebones, but it isn't "deluxe" either, and for the \$50 pricetag, that could be a dealbreaker for some. Personally, for a collection of what might be the best 23 episodes of one of my favorite animated franchises, it was absolutely worth it.

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Lupin the Third

Lupin III (Japanese: ルパン三世 Hepburn: *Rupan Sansei*), also written as ***Lupin the Third***, ***Lupin the 3rd*** or ***Lupin the IIIrd***, is a Japanese manga series written and illustrated by **Monkey Punch**. It follows the escapades of master thief **Arsène Lupin III**, the grandson of **Arsène Lupin**, the gentleman thief of Maurice Leblanc's series of novels.

The *Lupin III* manga, which first appeared in *Weekly Manga Action* on August 10, 1967, spawned a **media franchise** that includes numerous manga, two versions of an **animated pilot film**, six animated television series, eight theatrically-released animated films, two live-action films, six OVA works, **twenty-five animated television specials**, two musicals, **many music CDs**, and several video games. Many different companies have owned the English-language distribution rights to various *Lupin III* properties at various times, with just the first two animated films having been released by over 10 companies alone. **Tokyopop** acquired the license to the original manga in 2002, and later the second series in 2004. **Funimation Entertainment** purchased the rights to several of the television specials and films in 2002, and the fourth television series in 2012. **Geneon** licensed and dubbed 79 episodes of the second television series, 26 of which were broadcast on **Cartoon Network's Adult Swim** during 2003. **Discotek Media** licensed the entire first, second and fifth television series and the **first live-action film**; they also own the rights to several other *Lupin* titles, including some previously released by other companies.

Over fifty years after its creation, *Lupin III* remains popular, with a sixth anime series airing in 2018. Critical reception of the franchise has been largely positive across its various incarnations, with the appeal of the lead characters being noted as the primary factor of the series' success. The **voice acting** (in both Japanese and English versions) and soundtracks (especially those composed by **Yuji Ohno**) of the anime adaptations have also received similar compliments; however, several of the franchise's installments, most specifically the television specials, have been criticized for being formulaic. The manga has also been noted by fans and critics for its darker tone compared to the anime, with its explicit depictions of sex and violence, as well as its **black, fourth wall-breaking** sense of humor, contrasting with the mostly **family-friendly** animated versions. For several years, issues relating to the copyright of Maurice Leblanc's intellectual property meant that the Lupin name was removed from its releases outside Japan, usually changed to "Rupan" or "Wolf". However, the copyright has since expired, allowing foreign releases to use the Lupin name.

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Premise

Arsène Lupin III, the grandson of the fictional **gentleman thief**, **Arsène Lupin**, is considered the world's greatest thief, known for announcing his intentions to steal valuable objects by sending a calling card to the owners of his desired items. His right-hand man and closest ally is **Daisuke Jigen**, an expert **marksman** who can accurately shoot a target in 0.3 seconds. Although Lupin and Jigen frequently work as a two-man team, they are often joined by **Goemon Ishikawa XIII**, a master swordsman whose sword can cut anything, or **Fujiko Mine**, a *femme fatale* and Lupin's love interest. Although Fujiko usually works together with the others, she occasionally exploits Lupin's interest in her to steal the treasure for herself. Lupin and his gang are constantly chased by Inspector **Koichi Zenigata** of **Interpol**, who has made it his life's work to arrest them, pursuing Lupin across the globe.

Production

The series was created by Japanese manga artist Kazuhiko Katō under the pen name **Monkey Punch**. His inspiration for the series was the fictional French gentleman thief **Arsène Lupin**, created by **Maurice Leblanc**. Before creating the series he read 15 of Leblanc's stories. The aim of the *Lupin III* series was to produce a comedy adventure series that reflected the traits of Leblanc's character. Originally the intention was to keep the blood ties between the two fictional characters secret, however he was convinced by others not to do so.^[2]

Monkey Punch combined elements of Arsène Lupin with **James Bond** to develop the character of Lupin III and made him a "carefree fellow". Lupin was given a red color jacket which Monkey Punch believes is a flashy, sexy color.^{[2][3][4]} As the series was to be published in a magazine targeted at adults, Fujiko Mine was created to add a female presence and to fulfill a "**Bond girl**" role. Her name was inspired by a picture of **Mount Fuji**, Monkey Punch

<i>Lupin the 3rd</i>	
 <div>First English-language volume of <i>Lupin III</i> featuring Arsène Lupin III released by Tokyopop.</div>	
ルパン三世 <div><i>(Rupan Sansei)</i></div>	
Genre	Action, comedy ^[1]
Manga	
<i>Lupin III</i>	
Written by	Monkey Punch
Published by	Futabasha <div>Chuokoron-Shinsha</div>
English publisher	^{NA} Tokyopop
Demographic	<i>Seinen</i>
Magazine	<i>Weekly Manga Action</i>
Original run	August 10, 1967 – May 22, 1969
Volumes	14
Manga	
<i>Lupin III: World's Most Wanted</i>	
Written by	Monkey Punch
Published by	Futabasha
English publisher	^{NA} Tokyopop
Demographic	<i>Seinen</i>
Magazine	<i>Weekly Manga Action</i>
Original run	June 23, 1977 – May 28, 1981
Volumes	21
Anime television series	
<div><ul style="list-style-type: none"><i>Part I</i><i>Part II</i><i>The Woman Called Fujiko Mine</i><i>Part IV: The Italian Adventure</i><i>Part 5</i></div>	
Anime television series	
<i>Lupin the Third Part III</i>	
Directed by	Yuzo Aoki
Produced by	Masato Matsumoto
Written by	Jiku Omiya <div>Yasushi Hirano</div>


 The main cast of *Lupin the Third*, as drawn by Monkey Punch. From top to bottom: Lupin, Fujiko, Jigen, Goemon, Zenigata.

added the -ko female suffix to create her first name, and chose "Mine" for her family name because of its meaning as "summit". At the beginning of the series, many of the women Lupin encounters are all named Fujiko, but are treated as different characters from chapter to chapter. Creating a new female each week was too difficult for Monkey Punch so she evolved into a single character who changes style frequently.^{[2][4][5]} Jigen was based on James Coburn, especially his role in *The Magnificent Seven*, and his name was chosen to reflect his unconventional personality. Goemon was created to give an oriental element into an otherwise western series. Despite Lupin and Goemon originally being enemies, Monkey Punch decided that they were on the same wavelength. While Lupin, Fujiko, Jigen and Goemon frequently operate together for their own goals, the author considers them not to be a true group as they have their own individual interests.^[2] In the manga they operated individually, however in the anime adaptations the group tend to work together. Inspector Zenigata was conceived as Lupin's archrival to create a "human Tom and Jerry".^[4]

When Monkey Punch began *Lupin III*, he was already working on another series, *Pinky Punky*. Monkey Punch enjoys writing outlaw characters, and both *Lupin III* and *Pinky Punky* made use of outlaws as central characters. According to him, this made it easy for him to write two series without much pressure. Monkey Punch enjoys puzzles and mysteries such as *Columbo* and *Agatha Christie* novels, and was also inspired by *The Three Musketeers* and the movies of Alfred Hitchcock.^{[3][6]} He believes the characters of Lupin and Fujiko are similar to the characters of D'Artagnan and Milady de Winter, and describes them as "Not necessarily lovers, not necessarily husband and wife, but more just having fun as man and woman with each other".^[6] Another influence on the manga was *Mad magazine*.^[7] Monkey Punch said the appeal of drawing Lupin comes from the character being able to go anywhere without obstacles and being able to do whatever he wants, whenever he wants. However, this is contrasted by the appeal of Zenigata's strict personality.

Originally the series was only expected to last three months, but due to its popularity, Monkey Punch continued to draw it. However, despite his happiness at its success, he has expressed confusion over its popularity.^[6]

Monkey Punch has said that he believes the story can never end but that if he had to, both Zenigata and Lupin would have to end as equals. They would either both fail, both win or both get very old.^[8]

Copyright issues

Monkey Punch did not ask permission to use the Arsène Lupin name and at the time Japan did not enforce trade copyrights. By the time Leblanc's estate launched legal action in Japan, the name was considered to have entered into common use.^[2] However, this was not the case in North America and Europe and several foreign releases of *Lupin III* media dropped the Lupin III title and the character himself was renamed to "Rupan" or "Wolf". In France, the series was known as *Edgar, Detective Cambrioleur* (Edgar, Detective Burglar) with Lupin himself renamed "Edgar de la Cambriole" (Edgar of Burglary).^[9] Monkey Punch has stated that using the same character design, behavior and face would be illegal, but using a name alone is not illegal.^[3] In 2012, Leblanc's original Arsène Lupin entered the public domain in France due to 70 years passing since his death in 1941, and is in the public domain for any country that enforces the rule of the shorter term.^[10]

Media

Manga

Lupin III was written and illustrated by Monkey Punch. It was serialized by Futabasha in *Weekly Manga Action* in 94 chapters from August 10, 1967. Additional chapters known as *Lupin III New Adventures* were released from August 12, 1971.^{[11][12]} Tokyopop licensed the series for North America, and released all 14 volumes between December 10, 2002 and July 6, 2004.^{[13][14]} The Tokyopop edition is adapted from the Chuokoron Shinsha edition from 1989.^[15]

Monkey Punch began publishing the second Lupin manga, *Shin Lupin III* in *Weekly Manga Action* on June 23, 1977 until 1981.^{[11][12]} Three chapters were published in the British magazine *Manga Mania* between May and July 1996.^{[16][17][18]} Tokyopop licensed the second series, and released the first 6 volumes as *Lupin III: World's Most Wanted* between September 7, 2004 and February 7, 2007.^{[19][20]} Tokyopop later cancelled the series due to low sales.^[8] Like the first series, the Tokyopop release was based on the Chuokoron Shinsha edition from 1990.^[15]

Since 1997 a number of manga series have been created by several artists and released in several Futabasha magazines. On August 27, 2004, Futabasha launched *Lupin III Official Magazine*, a quarterly publication of *Lupin III* manga by various authors.^[21]

Yutaka Abe and Jirō Maruden produced a three chapter adaptation of the *Lupin III vs. Detective Conan* TV special. From August 25, they also created a manga adaptation of *Lupin III vs. Detective Conan: The Movie* for Shogakukan's *Shonen Super Sunday* magazine.^[22]

Anime series

Part I

On October 24, 1971, YTV began airing the first *Lupin III* television series. The series was broadcast for 23 episodes, with the last one airing on March 26, 1972.^[23] The series was initially directed by Masaaki Ōsumi, who was then replaced by Hayao Miyazaki and Isao Takahata.^[24] Discotek Media licensed and released the first series on DVD in North America on June 26, 2012.^[25]

Part II

The second *Lupin III* television series began airing on NTV on October 3, 1977. This series was broadcast for 155 episodes, with the last one airing on October 6, 1980.^[23] Pioneer Entertainment began distributing the second television series in North America on January 28, 2003.^[26] The first 79 episodes were released on 15 DVDs and the first 26 episodes aired numerous times on Cartoon Network's *Adult Swim*.^[27] On December 20, 2015, Discotek Media announced they had licensed the series for North America and began releasing the series in 2017.^[28]

Lupin VIII

Music by	Yuji Ohno
Studio	Tokyo Movie Shinsha
Original network	Yomiuri TV
Original run	March 3, 1984 – September 28, 1985
Episodes	50
Theatrical films	
<div> <ul style="list-style-type: none"><i>Pilot Film</i> <i>Lupin III: Strange Psychokinetic Strategy</i> (live-action) <i>The Mystery of Mamo</i> <i>The Castle of Cagliostro</i> <i>The Legend of the Gold of Babylon</i> <i>Farewell to Nostradamus</i> <i>Dead or Alive</i> <i>Lupin the 3rd vs. Detective Conan: The Movie</i> <i>Jigen's Gravestone</i> <i>Lupin the 3rd</i> (live-action) <i>Goemon Ishikawa's Spray of Blood</i> </div>	
Original video animations	
<div> <ul style="list-style-type: none"><i>The Fuma Conspiracy</i> <i>Return of the Magician</i> <i>Green vs. Red</i> <i>Lupin Family Lineup</i> <i>Lupin Shanshei</i> <i>Is Lupin Still Burning?</i> </div>	
Related media	
<div> <ul style="list-style-type: none"><i>Lupin the Third</i> manga <i>Lupin III</i> television specials <i>Lupin III</i> video games <i>Lupin III</i> soundtracks </div>	

In 1982, an animated television series called *Lupin VIII* was planned as a French-Japanese co-production, featuring the descendants of Lupin, Goemon, Jigen, and Zenigata, but was never completed.^[9] Created by DiC Animation, with Rintaro directing, and character designs by Shingo Araki; two scripts were written, and one episode was fully animated with a music and sound effects track, but the voice-overs were never recorded. It has been suggested that the project was stopped due to Leblanc's estate wanting a large amount of money for use of the Lupin name.^[9] The single episode was later included in the 2012 *Lupin III Master File* box set.^[29]

Part III

The third *Lupin III* television series, called *Lupin III Part III*, began airing on YTV on March 3, 1984. This series was broadcast for 50 episodes and ended on November 6, 1985.^[23] In 2009, the Southern California-based United Television Broadcasting network began airing subtitled episodes from all three series on their UTBHollywood channel.^[30]

The Woman Called Fujiko Mine

The fourth series, titled *Lupin the Third: The Woman Called Fujiko Mine*, aired on NTV for 13 episodes between April 4, 2012 and June 27, 2012.^[31] Funimation Entertainment simulcast the series on their website and Nico Nico with English subtitles,^[32] before releasing it on Blu-ray/DVD on August 20, 2013 with an English-language dub.^{[33][34]} Manga Entertainment released a similar set in the United Kingdom on September 16, while Hanabee released the series in a two-part combo set in Australasia, the first on October 16 and the second on November 20.^{[35][36]}

Part IV: The Italian Adventure

The fifth series, *Lupin the 3rd Part IV: The Italian Adventure*, was created by Telecom Animation Film and aired in Italy for 26 episodes on the Italia 1 channel between August 30, 2015 and November 30, 2015. The series aired for 24 episodes in Japan on NTV between October 1, 2015 and March 17, 2016.^[37] The series has been licensed by Anime Limited for the UK market and by Discotek for the US.^{[38][39]} It aired in the US on the Toonami block of Adult Swim starting in June 2017.^[40]

Part 5

The sixth anime television series, *Lupin the Third Part 5*, aired in 2018. It is set in France, the home of the main character's grandfather and namesake,^[41] and aired on NTV from April 4th to September 18th, 2018.

Other animations

Films

Adapting the manga into animation was first suggested by animator Gisaburō Sugii to Yutaka Fujioka, the founder of Tokyo Movie Shinsha. This led to the creation of a CinemaScope Pilot Film, consisting of introductions to the manga's five lead characters, intended to generate interest in the project and secure funding. The *Pilot Film* was created by Sugii, Yasuo Otsuka, Tsutomu Shibayama and Osamu Kobayashi, with supervision by Masaaki Ōsumi.^[42] Completed in 1969, the project was left unsold and the *Pilot Film* was adapted for television when Yomiuri Television agreed to broadcast and provide funding for a televised anime adaptation of the manga in 1971.^[43]

Seven theatrical animated films based on *Lupin III* have been created by TMS Entertainment. The first animated feature film adaptation of the series was titled simply *Lupin III* (later known as *Lupin III: Lupin vs. the Clone*), directed by Sōji Yoshikawa and released in Japanese theaters on December 16, 1978.^[11] Hayao Miyazaki directed the next feature film, *The Castle of Cagliostro*, which was released in Japanese theaters on December 15, 1979.^[23]

The third film, *Legend of the Gold of Babylon* co-directed by Seijun Suzuki and Shigetugu Yoshida, was released in Japanese theaters on July 13, 1985.^[11] Ten years after *Babylon* was released, the fourth film, *Farewell to Nostradamus*, entered Japanese theaters on April 22, 1995.^[11] The fifth anime feature film, *Dead or Alive*, was directed by the creator of the series, Monkey Punch, and released in Japanese theaters on April 20, 1996.^[23]

Four years after the two series had a crossover TV special together, *Lupin the 3rd vs. Detective Conan: The Movie* was released on December 7, 2013, making it the first *Lupin III* theatrical feature in 17 years.^[11] Takeshi Koike directed a continuation film to *The Woman Called Fujiko Mine* TV series. Entitled *Daisuke Jigen's Gravestone*, it was released theatrically on June 21, 2014.^[44] A follow-up by the same staff entitled *Goemon Ishikawa's Spray of Blood* was released on February 4, 2017.^[45]

Original video animations

Several original video animations (OVAs) based on *Lupin III* have been produced. *The Fuma Conspiracy* was shown in theaters in Japan on December 26, 1987 before being released to video on April 5, 1988.^[11] Because of budget problems, TMS decided not to employ the regular voice cast from the television series and theatrical movies; instead, they hired a different cast to save money.^[46] The second OVA, *Return of the Magician* was released on April 3, 2002 as part of the 30th anniversary of the first television series and features the return of one of the original villains of the series, the magician Pycal.^[47] A third OVA, *Green vs. Red*, was released on April 2, 2008 as part of the 40th anniversary of the manga.^[23]

The *Lupin III Master File* box set released in 2012 included a new short animation titled "Lupin Family Lineup" (ルパン一家勢揃い *Rupan Ikka Seizoroi*) where the veteran cast of Kanichi Kurita as Lupin, Kiyoshi Kobayashi as Jigen, Makio Inoue as Goemon, Eiko Masuyama as Fujiko, and Goro Naya as Zenigata reunited for the last time, after the later three were replaced for the previous year's TV special.^[48] A parody flash anime titled *Lupin Shanshei* (ルパンしゃんしえい *Rupan Shanshei*) was produced by animator Frogman and his studio DLE Inc. in collaboration with TMS. The ten shorts were released on Blu-ray Disc and DVD on December 19, 2012.^[49]

A memorial episode titled *Is Lupin Still Burning?* (ルパンは今も燃えているか？ *Lupin wa Ima mo Moeteiruka?*) was created to celebrate the 50th anniversary of the manga. It was directed by Jun Kawagoe, with Monkey Punch as general director and character designs by Hisao Horikoshi and Satoshi Hirayama. Its title is a reference to the debut episode of the first anime and as such will follow its story, but will feature other enemies such as Kyosuke Mamo, Sandayu Momochi, Pycal, and Stoneman. It will be included in the first DVD/Blu-ray set of the *Part 5* anime on July 25, 2018.^[50]

Television specials

Between 1989 and 2013, a new animated television special by TMS Entertainment aired on NTV every year. The tradition started with *Bye Bye, Lady Liberty* on April 4, 1989.^[23] 2007's *Elusiveness of the Fog* was broadcast on July 27 as part of the 40th anniversary celebration of the original manga, featuring the return of a villain from the original television series, Kyousuke Mamo.^[23] A crossover special titled *Lupin the 3rd vs. Detective Conan*, featuring characters from both *Lupin III* and *Detective Conan*, aired on March 27, 2009, attracting a record audience share of 19.5.^[51]

The 2011 special *Blood Seal - Eternal Mermaid* brought new voice actors for Fujiko, Zenigata and Goemon, the first change in 16 years.^[52] *Princess of the Breeze - The Hidden City in the Sky*, the last of the yearly consecutive specials, features Yui Ishikawa as its heroine Yutika.^[53]

On January 8, 2016, a special tie-in with the *Part IV* TV series aired.^[54]

Live-action

The first *Lupin III* theatrical feature was a live-action movie released on August 3, 1974.^[11] *Lupin III: Strange Psychokinetic Strategy* (ルパン三世 念力珍作戦) included all of the main cast members with the exception of Goemon Ishikawa XIII.^[9] In contrast to the dark theme of the first television series, the live-action feature was very heavy on slapstick humor and physics-defying stunts. A DVD was released in North America in 2006 by Discotek.^[65]

WhiteLight Entertainment, a production company owned by Gerald R. Molen, purchased the live-action theatrical rights to *Lupin III* in 2003.^[66] A live-action Filipino TV drama based on *Lupin III*, titled simply *Lupin*, aired on *GMA Network* from April 9 to August 17, 2007.^[67]

A new live-action film, titled simply *Lupin the 3rd* and directed by Ryuhei Kitamura, was released on August 30, 2014. The cast features Shun Oguri as Lupin, Meisa Kuroki as Fujiko, Tetsuji Tamayama as Jigen, Gō Ayano as Goemon, and Tadanobu Asano as Zenigata. Tomoyasu Hotei provided the theme song for the movie.^[68] It was released in Australia in 2015 by *Madman Entertainment*.^[69] A sequel is in development.^[60]

Two stage adaptations have been produced. *I'm Lupin* was performed on November 5, 1999. The all-female acting troupe *Takarazuka Revue* began a stage musical adaptation of the series on January 1, 2015.^[11]

A live-action adaptation of the *Inspector Zenigata* spin-off manga aired in Japan in 2017. The project is a collaboration between *NTV*, *WOWOW* and *Hulu* Japan and will star Ryohei Suzuki, Atsuko Maeda and Takahiro Miura.^[61]

Games

The first Lupin video game was a *stealth game* released to arcades in Japan by Taito in 1980 as *Lupin III*.^[62] A *Laserdisc video game* entitled *Cliff Hanger* was released to arcades in North America in 1983 by Stern. While it used footage from *The Mystery of Mamo* and *The Castle of Cagliostro* to provide a gaming experience similar to *Dragon's Lair*, it changes the characters' names and has an original plot.^[9] Since then Lupin video games have been released for a number of platforms including *Family Computer*, *Super Famicom*, *Sony Playstation*, *Sony Playstation 2*, *Sega Saturn*, *Nintendo DS* and *Sega Naomi*.^{[63][64][65][66]}

A range of eleven *Pachinko* machines have been produced by *Heiwa* since 1998.^[67]

Soundtracks

Columbia Music Entertainment and *VAP* have both released numerous *Lupin III* music CDs in Japan. These include over 48 soundtrack albums by Takeo Yamashita and Yuji Ohno for the TV series, movies, and specials, as well as 15 collections of jazz arrangements by the Yuji Ohno trio, the Lupintic Five, and the Lupintic Sixteen.^{[68][69][70]}

Geneon Entertainment has released two of the music CDs in the United States. *Lupin the 3rd: Sideburn Club Mix* is a collection of thirteen remixed themes from the first television series, which was released in conjunction with the first DVD volume on January 28, 2003.^[71] *Lupin the 3rd Original Soundtrack*, released on April 8, 2003, is a collection of fifteen themes from the second television series performed by Yuji Ohno with his jazz group You & the Explosion Band.^[72]

To celebrate the 40th anniversary of the series, a live concert was held on September 8, 2007 performed by Yuji Ohno and the Lupintic Sixteen; a concert DVD was released in Japan on December 21, 2007.^[73] *Play the Lupin clips x parts*, a compilation of Lupin animation clips set to music from the series, as well as the opening and ending credits from a number of *Lupin III* productions, was released on DVD and *Blu-ray Disc* in Japan on May 22, 2009.^[74]

Music from the series has been covered by a range of artists, including *Double*, *Ego-Wrappin'* and *The Ventures*.^{[75][76][77]}

Reception

The *Lupin III* franchise has experienced lasting popularity in Japan; the manga was listed in 38th place on Japan's *Agency for Cultural Affairs'* 2007 list of the top 50 manga series.^[78] In 2000, satellite TV channel *Animax* together with *Brutus*, a men's lifestyle magazine, and *Tsutaya*, Japan's largest video rental chain, conducted a poll among 200,000 fans on the top anime series, with *Lupin III* coming in second.^[79] *TV Asahi* conducted two polls in 2005 on the Top 100 Anime, *Lupin III* came in fifth in the nationwide survey conducted with multiple age-groups and in twelfth in the online poll.^{[80][81]} *The Castle of Cagliostro* was in 5th place on Agency for Cultural Affairs' list of the best anime, while the original television series was in 50th place on the same list.^[82] In 2001, the magazine *Animage* elected the original *Lupin III* TV series the ninth best anime production of all time.^[83] In 2012, 38.7% of people polled by Tokyo Polytechnic University named *Lupin III* as part of *Cool Japan*.^[84]

In *Manga: The Complete Guide*, Jason Thompson referred to Monkey Punch's original manga as "a crazy, groovy 1960s world of dynamite and backstabbing, hippies and gangsters", and considered it "a fascinating homage to *Mad magazine* and a four star example of comics as pure comedy." He rated the series four out of four stars.^[85] Allen Divers of *Anime News Network* (ANN) praised the strong writing and action; however, he felt that the art was too primitive.^[86] *Otaku USA's* Daryl Surat was also put off by the art, saying he couldn't tell most character apart and had a hard time figuring out what he was looking at. In *The Rough Guide to Manga*, Jason S. Yadao highlighted the example of how Lupin wearing a hat looks exactly like Zenigata. However, he considered it a successful plot device in once chapter that while it may take several attempts to understand, eventually pays off. He included the series in his list of 50 essential manga.^[8] Many of the first volumes of the English edition of the *Lupin III* manga released by *Tokyopop* made it onto *ICv2's* list of top 50 graphic novels, as well as later volumes from the series.^{[87][88][89]}

In *Anime Classics Zettai!*, Brian Clamp and Julie Davis compare the first two anime adaptations. They note that the first series is of a serious style, closer to the original manga with a dark tone and that it focuses on disputes between Lupin and other criminals. In contrast they sum up the second series as a *capser comedy* with a more comedic tone and style.^[90] Both Chris Beveridge of *Mania.com* and Mike Crandol of ANN disliked the dub of the second television series because *Pioneer Entertainment* used many modern references and updated dialogue for a series that was released in the late 1970s, although the series itself received a positive overall review from both reviewers.^{[91][92]} Rob Lineberger of *DVD Verdict* wrote, "*Lupin the Third* is *James Bond* meets *Charlie's Angels* with *Scooby-Doo* sensibilities."^[93] Monkey Punch believes that the voice work of Yasuo Yamada was a large reason for the popularity of the anime series.^[3]

Chris Beveridge of *Mania.com* gave *The Castle of Cagliostro* an "A+", although he disliked Manga Entertainment's use of PG-13 level language in the English dub.^[94] While the film was not initially a box-office success, it gained popularity through numerous re-releases and was even voted as "the best anime in history" by the readers of *Animage*.^{[95][96]} The film was the best-selling anime DVD in May 2001, and the third best selling in June.^{[97][98]} Some fans maintain that it is not a "true" Lupin title, due to Miyazaki's altering of the titular character into a family-friendly hero, rather than his original ruthless criminal self.^[9] While admitting that *Cagliostro* is the most well-known, ANN's Mike Crandol cited *The Fuma Conspiracy* as the best Lupin animation.^[99]

The *Lupin III* television specials released by *Funimation* have received reviews varying from positive to mixed. The most well-received seems to be *Island of Assassins*, with Chris Beveridge of *Mania.com* describing it as "the best non-TV Lupin experience ... since *The Castle of Cagliostro*",^[100] *Missed by a Dollar* received an eight out of ten rating by *IGN's* Jeremy Mullin, who stated it starts off as seemingly a simple heist film, but turns out to have plenty of twists.^[101] The least well-received of Funimation's releases is *Secret of the Twilight Gemini*, which received mixed reviews due to the animation and its *B movie*-style plot.^{[102][103]} *Mania.com* gave 2002's *Episode 0: First Contact* an A+ and hailed it as the best TV special made to date.^[104] In *500 Essential Anime Movies* Helen McCarthy called *Liberty* her personal favourite of the Lupin TV specials. She describes it as "light, funny and entertaining" and "terrific entertainment".^[105]

Critical reception of the 2014 live-action film was generally negative among Japanese and Western film critics, especially following the film's showing at [LA EigaFest](#). Areas frequently targeted for criticism were [Ryuhei Kitamura](#)'s direction, the film's supporting characters, screenplay, cinematography and editing (especially in the action scenes), costume design and soundtrack. The film was also criticized for having most of the its dialogue performed in English (resulting in poor delivery and intonation of numerous lines by its Asian cast members), and for overall squandering its potential as an adaptation of [Monkey Punch](#)'s manga. [Shun Oguri](#), [Tetsuji Tamayama](#), [Gō Ayano](#), [Meisa Kuroki](#) and [Tadanobu Asano](#) were, however, frequently seen as well-cast in their respective roles. Audience opinions were mixed, with some viewing the film as "an enjoyable time to be had to the whole family", while others viewed it as part of a "terrible live-action adaptation trend that has been going on through the years".^{[106][107][108]}

Legacy

Cowboy Bebop and *Samurai Champloo* director [Shinichirō Watanabe](#) revealed during an interview with *Newtype Japan* that he was heavily influenced by the work of director [Masaaki Ōsumi](#) on the first Lupin television series.^[109] Animator [Akihiro Kanayama](#) has cited the animation of the anime adaption as an inspiration.^[110] Numerous series have made reference to the series including *Magical Princess Minky Momo*, *Cat's Eye*, *Gunbuster*, *Urusei Yatsura*, *Cowboy Bebop*, *Here is Greenwood* and *FLCL*.^{[111][112]} Video game designer [Hideo Kojima](#) compared the personality of Lupin with *Solid Snake* in *Metal Gear Solid*, stating that in "MGS, Snake became this sharp-tongued, Lupin III-like guy who flirted with women and told lots of jokes".^[113] Kojima would also partially base his character [EVA](#) on [Fujiko Mine](#).^[114]

On March 30, 1984, the series was the last animated work to be featured on the cover of the Japanese TV Guide magazine before the implementation of a policy limiting the cover to live action images.^[115] In 2006, Kanye West's "Touch the Sky" featured rapper Lupe Fiasco referencing Lupin III.^[116] In 2008, the *Lupin III*-themed attraction "Lupin III: Labyrinth Trap", which has visitors track down treasure in a maze-like layout, opened at the [Tokyo Dome City Attractions](#) amusement park.^[117]

In 2009, Japanese-Canadian rock band [Monkey Majik](#) created an animated music video in which its members meet the *Lupin III* cast. The video, which is set to the band's version of the anime's theme song, promoted the *Lupin the Third Dance & Drive official covers & remixes CD*.^[118] A campaign titled "Lupin Steal Japan" was launched that same year by NTV, TMS Entertainment, [Namco Bandai Games](#), and [Heiwa](#) — a manufacturer of pachinko machines. The project's website took suggestions on real-life objects for Lupin to steal. One such example is the [Moai](#) statue in [Shibuya](#), which was taken elsewhere for cleaning on December 7, but was replaced by the calling card of the master thief that read "Thanks for the Moai".^{[119][120]}

In celebration of the anime's 40th anniversary, the "This is the World of Lupin III" event was held at the [Matsuya](#) store in [Ginza](#). From August 10 to August 22, 2011, over 300 items related to *Lupin III* were exhibited, including original manuscripts by [Monkey Punch](#) and animation cels from the feature films.^[121] The following year a similar exhibit was held at the [Kitakyushu](#) museum from November 3 to December 28, and another at the [Kawasaki City Museum](#) from October until November 10, 2013.^{[122][123]} The exhibit then moved to [Aomori's](#) Sunroad shopping centre from December 21, 2013 until January 21, 2014.^[124]

In 2012, the [Hokkaido Railway Company](#) unveiled *Lupin III*-themed trains on their [Hanasaki Line](#) between [Kushiro](#) and [Nemuro](#) station, in honor of [Monkey Punch](#), who is a native of [Hokkaido](#). The train was originally to run until March 2015, but was then extended until March 2017.^{[125][126]} From April 1, 2014 to March 31, 2015, the city of [Sakura](#) in [Chiba](#) prefecture began accepting applications for Lupin III motorcycle and minicar license plates. [Monkey Punch](#) is a resident of the city and the plates were commissioned for the 60th anniversary of being awarded city status. The plates were limited to 3000 across 4 categories with 2500 plates reserved for 50cc vehicles.^[127] In 2017, one of the fish in the American television series *FishCenter Live* was named Lupin the Third.^[128]

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128. Cobb, Kayla (10 May 2017). "Cult Corner: 'FishCenter Live' Is The Most Delightfully Pointless Show on TV" (<https://decider.com/2017/05/10/cult-corner-fishcenter-live/>). *Decider*. New York Post. Retrieved 23 November 2017.

External links

- *Lupin the Third* Network (<http://www.lupin-3rd.net/>) (in Japanese)—requires Adobe Flash plugin
- *Lupin the Third* (<https://www.animenewsnetwork.com/encyclopedia/manga.php?id=1632>) (manga) at Anime News Network's encyclopedia
- *Lupin the Third* (<https://www.animenewsnetwork.com/encyclopedia/anime.php?id=3053>) (anime) at Anime News Network's encyclopedia

Retrieved from "https://en.wikipedia.org/w/index.php?title=Lupin_the_Third&oldid=864278512"

This page was last edited on 16 October 2018, at 07:43 (UTC).

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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. 86509184
For the Mark: LUPPIN
Published in the Official Gazette on August 18, 2015

-----X
LUPIN PHARMACEUTICALS, INC., :
Opposer, :
-against- : Opposition No. 91226322
AMPEL, LLC, :
Applicant. :
-----X

EXHIBIT NN

TO

OPPOSER'S NOTICE OF RELIANCE IN REBUTTAL

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

LUPIN PHARMACEUTICALS, INC.,

Opposer,

Proceeding No. 91226322
Application Serial No. 86/509184
Mark: LuPPiN

v.

AMPEL, LLC,

Respondent.

**RESPONDENT'S RESPONSES TO OPPOSER'S
THIRD SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS**

Respondent/Applicant, Ampel, LLC ("Ampel"), by counsel and pursuant to the applicable provisions of 37 C.F.R. 2.120 and Rules 33, 34 and 36 of the Federal Rules of Civil Procedure ("FRCP"), hereby responds as follows to Opposer Lupin Pharmaceutical, Inc.'s ("Lupin") Third Set of Requests for Production of Documents:

GENERAL OBJECTIONS

Ampel repeats and adopts herein all of the General Objections set forth in its Responses to Lupin's First Set of Requests for Production, which responses were served on October 17, 2016, and all such General Objections shall apply to Lupin's Third Set of Requests for Production of Documents. Subject to such objections, which are incorporated into each specific response, and without waiver thereof, Ampel specifically objects and responds to Lupin's Third Set of Requests for Production of Documents in correspondingly-numbered paragraphs as set forth below.

REQUEST NO. 4: Any subsequent drafts and final version (if any) of Applicant's patient partner manual (APB-00422-APB-00467).

RESPONSE:

There are no documents responsive to this Request.

REQUEST NO. 5: All correspondence relating to any inquiry regarding Applicant's patient partner program for Lupus patients sent or received by Applicant or anyone employed by or affiliated with Applicant, as a result of any appearances and/or presentations by Applicant or anyone employed by or affiliated with Applicant at any public or industry forums (see, e.g., Grammer Transcript at 87:19-88:5).

RESPONSE:

Objection. This request is overly burdensome. There are no documents responsive to this Request.

REQUEST NO. 6: Lists of attendees of any presentations conducted by Applicant wherein Applicant's Trademark and the services thereunder were promoted or otherwise discussed, including, without limitation, the November 17, 2014 presentation during the American College of Rheumatology annual meeting.

RESPONSE:

There are no documents responsive to this Request.

AMPEL, LLC
Respondent/Applicant

/s/ Patrick Asplin
PATRICK C. ASPLIN (VSB #46620)
ANDREW B. STOCKMENT (VSB #79112)
Of Lenhart Pettit
530 East Main Street
PO Box 2057
Charlottesville, Virginia 22902
(434) 979-1400
(434) 977-5109 (Fax)
Counsel for Respondent/Applicant

CERTIFICATE OF SERVICE

I hereby certify that on November 17, 2017, I forwarded the foregoing *Respondent's Responses to Opposer's Third Set of Requests for Production of Documents* to the Opposer's counsel by email to the email address listed below:

Thomas H. Curtin, Esq.
Powley & Gibson, P.C.
304 Hudson Street, 2nd Floor
New York, NY 10013
thcurtin@powleygibson.com
Counsel for Opposer/Petitioner

/s/ Patrick Asplin
Counsel for Respondent/Applicant

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

EXHIBIT OO
TO
OPPOSER'S NOTICE OF RELIANCE IN REBUTTAL

ESTTA Tracking number: **ESTTA339756**

Filing date: **03/30/2010**

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

Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	Lupin Pharmaceuticals, Inc.		
Entity	Corporation	Citizenship	Virginia
Address	111 S. Calvert Street 21st Floor Baltimore, MD 21202 UNITED STATES		

Attorney information	Vasilios Peros Thomas & Libowitz, P.A. 100 Light Street, Suite 1100 Baltimore, MD 21202 UNITED STATES vperos@tandllaw.com Phone:(443) 927-2118		
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Registration Subject to Cancellation

Registration No	3738119	Registration date	01/12/2010
Registrant	Australis Foods Pty Ltd Level 13, 200 Queen Street Melbourne VIC, 3000 AUSTRALIA		

Goods/Services Subject to Cancellation


Class 005. First Use: 2008/02/01 First Use In Commerce: 2009/06/01 All goods and services in the class are cancelled, namely: Dietary supplements
Class 030. First Use: 2008/02/01 First Use In Commerce: 2009/06/01 All goods and services in the class are cancelled, namely: Edible flour

Grounds for Cancellation


Priority and likelihood of confusion	Trademark Act section 2(d)
The mark is merely descriptive	Trademark Act section 2(e)(1)

Marks Cited by Petitioner as Basis for Cancellation

U.S. Application No.	77766890	Application Date	06/24/2009
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	LUPIN		

Design Mark			
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 2005/07/01 First Use In Commerce: 2005/07/01 HOUSE MARK FOR FULL LINE OF PHARMACEUTICALS FOR MEDICAL PURPOSES, BUT EXCLUDING DIETARY SUPPLEMENTS AND EDIBLE FLOUR		

U.S. Application No.	77766816	Application Date	06/24/2009
Registration Date	NONE	Foreign Priority Date	NONE

Word Mark	LUPIN		
Design Mark			
Description of Mark	The mark consists of The word Lupin and a flower shaped design.		
Goods/Services	Class 005. First use: First Use: 2005/07/01 First Use In Commerce: 2005/07/01 HOUSE MARK FOR FULL LINE OF PHARMACEUTICALS FOR MEDICAL PURPOSES		

Attachments	77766890#TMSN.jpeg (1 page)(bytes) 77766816#TMSN.jpeg (1 page)(bytes) Exhibit 1 - Lupin.pdf (7 pages)(1023007 bytes) Exhibit 2 - Lupin- TARR.pdf (3 pages)(74807 bytes) Exhibit 3 - Lupin (and Design)- TARR.pdf (3 pages)(85439 bytes) Exhibit 4 - Lupin8 Certificate of Registration.pdf (1 page)(473421 bytes) Exhibit 5 - Lupin8 Info.pdf (7 pages)(1251791 bytes) Exhibit 6 - Lupin8 Report.pdf (3 pages)(319437 bytes) Petition to Cancel - Lupin8.pdf (5 pages)(149205 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Vasilios Peros/
Name	Vasilios Peros
Date	03/30/2010



Our mission is to become a transnational pharmaceutical company through the development and introduction of a wide portfolio of branded and generic products in key markets.

[Who We Are](#) | [Mission/Vision](#) | [Contact Us](#) | [Our Logo](#)

About Us

Who We Are



Lupin Pharmaceuticals, Inc. is the U.S. wholly owned subsidiary of Lupin Limited, which is among the top six pharmaceutical companies in India. Through our sales and marketing headquarters in Baltimore, MD, Lupin Pharmaceuticals, Inc. is dedicated to delivering high-quality, branded and generic medications trusted by healthcare professionals and patients across geographies.



Lupin Limited, headquartered in Mumbai, India, is strongly research focused. It has a program for developing New Chemical Entities. The company has a state-of-the-art R&D center in Pune and is a leading global player in Anti-TB, Cephalosporins (anti-infectives) and Cardiovascular drugs (ACE-inhibitors and cholesterol reducing agents) and has a notable presence in the areas of diabetes, anti-inflammatory and respiratory therapy.



We are building on our parent company's strengths of vertical integration in discovery research, process chemistry, active pharmaceutical ingredient production, formulation development and regulatory filings. Lupin Pharmaceuticals, Inc. is committed to achieving its vision and mission of becoming an innovation led transnational pharmaceutical company.

Vinita Gupta, President of Lupin Pharmaceuticals, Inc. says "founded on the strengths of our parent company Lupin Limited, Lupin Pharmaceuticals, Inc. intends to bring a portfolio of generics as well as branded products to the US market."

For the financial year ended March 2008, Lupin Limited's Revenues and Profit after Tax were Rs.27, 730 million (US\$ 694 million) and Rs.4, 083 million (US\$ 102 million) respectively. Please visit <http://www.lupinworld.com> for more information about Lupin Limited.

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Our mission is to become a transnational pharmaceutical company through the development and introduction of a wide portfolio of branded and generic products in key markets.

Generics | Specialty | API

Products

API

- Lupin is recognized as a leading manufacturer of cephalosporin API's, with FDA approval to manufacture complex oral and injectable cephalosporins.
- Lupin is fast gaining share in the cardiovascular segment manufacturing a wide range of ACE-inhibitors and cholesterol reducing agents.
- Lupin's capabilities in sterile processing, synthetic process development and fermentation skills coupled with its intellectual property strengths, puts the company in a very strong position to offer a diverse portfolio of niche API's to its customers.

For ordering information please call 410-576-2000.

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Our mission is to become a transnational pharmaceutical company through the development and introduction of a wide portfolio of branded and generic products in key markets.

[What's New](#) | [Product List](#) | [How To Order](#) | [Return Goods Policy](#) | [Information Center](#) | [Contact Us](#) | [Authorized Distributors](#)

Products

Generics

Lupin Pharmaceuticals, Inc. entered the U.S. generic pharmaceutical market in 2003 with the ANDA approval for cefuroxime axetil. Since then we have received more than a dozen FDA approvals. Six of Lupin's 14 ANDA approvals were the first granted by the US FDA, reinforcing our ability to submit high quality dossiers and gain on time approvals.

We are vertically integrated, from process development of the API to the submission of dossiers for finished dosages. This provides control over the supply chain and the ability to offer quality products at the right time and at competitive prices.

Our integrated manufacturing capability provides a portfolio of the highest quality generic products.

Expanding the product portfolio, Lupin Pharmaceuticals, Inc. is geared to file 15 or more ANDA's per year in some of the following areas:

- Oral and injectable cephalosporins;
- Cardiovascular;
- Controlled release ANDA's;
- Paragraph IV's.

Our oral and injectable cephalosporin facilities, US FDA approved manufacturing sites and the new tablet and capsule facility in Goa, allow us to file and manufacture a wide range of finished products for the US market.

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Our mission is to become a transnational pharmaceutical company through the development and introduction of a wide portfolio of branded and generic products in key markets.

Products

Generics



Lupin Pharmaceuticals, Inc. entered the U.S. generic pharmaceutical market in 2003 with the ANDA approval for cefuroxime axetil. Since then we have received more than a dozen FDA approvals.

Specialty



Lupin Pharmaceuticals, Inc., is very pleased to offer Suprax®, an important anti-infective product in pediatric and other physician practices within the United States. Suprax® is now available in tablets and suspension formulations. Lupin Pharmaceuticals, Inc., has an exclusive license in the United States to use the Suprax® trademark.

API



Lupin is recognized as a leading manufacturer of cephalosporin API's, with FDA approval to manufacture complex oral and injectable cephalosporins.

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Our mission is to become a transnational pharmaceutical company through the development and introduction of a wide portfolio of branded and generic products in key markets.

[Press Releases](#) | [Financial News](#) | [Archives](#)

Newsroom

Lupin is granted USFDA approval for Levetiracetam Tablets	Jan 16, 2009
View	
Lupin Receives "Supplier Award of Excellence" from Wal-Mart	Sept 17, 2008
View	
Lupin receives USFDA approval for Divalproex Sodium Delayed-Release Tablets	July 29, 2008
View	
Lupin appoints New NCE Research Head.	June 26, 2008
View	
Lupin Enters Into Marketing Alliance with ASCEND Therapeutics for SUPRAX® 400 mg Tablets in the U.S.	June 23, 2008
View	
Lupin receives USFDA approval for Escitalopram Oxalate Tablets	June 16, 2008
View	
Lupin launches Ramipril capsules	June 10, 2008
View	
Lupin receives USFDA approval for Topiramate Tablets	May 29, 2008
View	
Lupin Receives "Best New Manufacturer of the Year" Award from AmerisourceBergen	July 30, 2007
View	
Lupin receives final approval for Amlodipine Tablets	July 12, 2007
View	

Lupin announces Final Approval of Trandolapril Tablets **June 13, 2007**

[View](#)

Lupin Receives US FDA Approval for Ziprasidone HCl Capsules **May 22, 2007**

[View](#)

Lupin Announces Final FDA Approval of Cefdinir for Oral Suspension, 250 mg/5 mL, Launches Entire Product Family. **May 8, 2007**

[View](#)

Lupin Receives US FDA Approval for Novel Formulation of Suprax® Suspension **April 12, 2007**

[View](#)

Lupin Receives US FDA Approval for Sertraline. **February 7, 2007**

[View](#)

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List of Selected Lupin Products

No.	Pharmaceuticals	Form
1	Cefadroxil	Oral Suspension
2	Cefdinir	Capsule
3	Cefdinir	Oral Suspension
4	Cefprozil	Oral Suspension
5	Cefprozil	Tablet
6	Ceftriaxone	Injection
7	Cefuroxime Axetil	Tablet
8	Cephalexin	Capsule
9	Cephalexin	Oral Suspension
10	Ethambutol	Tablets
11	Lisinopril	Tablet
12	Lisinopril/HCTZ	Tablet
13	Lovastatin	Tablet
14	Meloxicam	Tablet
15	Ramipril	Capsule
16	Sertraline HCl	Tablet
17	Simvastatin	Tablet
18	Trandolapril	Tablet

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2010-03-29 12:44:53 ET

Serial Number: 77766890 Assignment Information Trademark Document Retrieval

Registration Number: (NOT AVAILABLE)

Mark

LUPIN

(words only): LUPIN

Standard Character claim: Yes

Current Status: An office action suspending further action on the application has been mailed.

Date of Status: 2010-03-17

Filing Date: 2009-06-24

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 112

Attorney Assigned:
MEIER SHARON A

Current Location: M3X -TMO Law Office 112 - Examining Attorney Assigned

Date In Location: 2010-03-16

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Lupin Pharmaceuticals, Inc.

Address:

Lupin Pharmaceuticals, Inc.
Harborplace Tower 111 South Calvert Street, 21st Floor
Baltimore, MD 21202
United States
Legal Entity Type: Corporation
State or Country of Incorporation: Maryland

GOODS AND/OR SERVICES

International Class: 005

Class Status: Active

HOUSE MARK FOR FULL LINE OF PHARMACEUTICALS FOR MEDICAL PURPOSES, BUT EXCLUDING DIETARY SUPPLEMENTS AND EDIBLE FLOUR

Basis: 1(a)

First Use Date: 2005-07-01

First Use in Commerce Date: 2005-07-01

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2010-03-17 - Letter of suspension mailed

2010-03-16 - Suspension Letter Written

2010-03-11 - Teas/Email Correspondence Entered

2010-03-11 - Communication received from applicant

2010-03-11 - TEAS Response to Office Action Received

2009-09-24 - Non-final action mailed

2009-09-23 - Non-Final Action Written

2009-09-23 - Assigned To Examiner

2009-06-29 - New Application Office Supplied Data Entered In Tram

2009-06-27 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Vasilios Peros

Correspondent

VASILIOS PEROS

THOMAS & LIBOWITZ, P.A.

100 LIGHT ST FL 1100

BALTIMORE, MD 21202-1185

Phone Number: (443) 927-2118

Fax Number: (410) 752-2046

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2010-03-29 12:44:32 ET

Serial Number: 77766816 [Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: (NOT AVAILABLE)

Mark



(words only): LUPIN

Standard Character claim: No

Current Status: A non-final action has been mailed. This is a letter from the examining attorney requesting additional information and/or making an initial refusal. However, no final determination as to the registrability of the mark has been made.

Date of Status: 2010-01-14

Filing Date: 2009-06-24

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 112

Attorney Assigned:
MEIER SHARON A

Current Location: M3X -TMO Law Office 112 - Examining Attorney Assigned

Date In Location: 2010-01-14

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Lupin Pharmaceuticals, Inc.

Address:

Lupin Pharmaceuticals, Inc.
Harborplace Tower 111 South Calvert Street, 21st Floor
Baltimore, MD 21202
United States

Legal Entity Type: Corporation**State or Country of Incorporation:** Maryland

GOODS AND/OR SERVICES

International Class: 005**Class Status:** Active

HOUSE MARK FOR FULL LINE OF PHARMACEUTICALS FOR MEDICAL PURPOSES

Basis: 1(a)**First Use Date:** 2005-07-01**First Use in Commerce Date:** 2005-07-01

ADDITIONAL INFORMATION

Color(s) Claimed: Color is not claimed as a feature of the mark.**Description of Mark:** The mark consists of The word Lupin and a flower shaped design.**Design Search Code(s):****05.03.08** - More than one leaf, including scattered leaves, bunches of leaves not attached to branches**05.03.25** - Leaf, single; Other leaves**05.05.25** - Daffodils; Iris (flower); Other flowers

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2010-01-14 - Non-final action mailed

2010-01-14 - Non-Final Action Written

2009-12-21 - Teas/Email Correspondence Entered

2009-12-21 - Communication received from applicant

2009-12-21 - TEAS Response to Office Action Received

2009-09-24 - Non-final action mailed

2009-09-23 - Non-Final Action Written

2009-09-23 - Assigned To Examiner

2009-06-30 - Notice Of Design Search Code Mailed

2009-06-29 - New Application Office Supplied Data Entered In Tram

2009-06-27 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Vasilios Peros

Correspondent

VASILIOS PEROS

THOMAS & LIBOWITZ, P.A.

100 LIGHT ST FL 1100

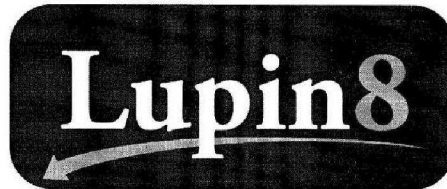
BALTIMORE, MD 21202-1185

Phone Number: (443) 927-2118

Fax Number: (410) 752-2046

United States of America

United States Patent and Trademark Office



Reg. No. 3,738,119 AUSTRALIS FOODS PTY LTD (AUSTRALIA CORPORATION)
Registered Jan. 12, 2010 LEVEL 13, 200 QUEEN STREET
MELBOURNE VIC, AUSTRALIA 3000

Int. Cls.: 5 and 30 FOR: DIETARY SUPPLEMENTS, IN CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).

TRADEMARK FIRST USE 2-1-2008; IN COMMERCE 6-1-2009.
PRINCIPAL REGISTER FOR: EDIBLE FLOUR, IN CLASS 30 (U.S. CL. 46).

FIRST USE 2-1-2008; IN COMMERCE 6-1-2009.

THE MARK CONSISTS OF THE WORD/NUMBER "LUPIN8" WITH A CURVED ARROW BELOW.

SN 77-707,006, FILED 4-4-2009.

DANNEAN HETZEL, EXAMINING ATTORNEY



David J. Kybas

Director of the United States Patent and Trademark Office



A premier home baking manufacturer

Australis Foods is one of Australia's largest privately owned industry specific food manufacturer's with operations in health food, wheat alternative and home baking products, with the recent "taste the outback range" being launched both domestically and globally in 2009. As a company, we guarantee quality in all our products which is a true reflection of the passion and dedication of all our team.

For more information, you can visit www.youcanbakeit.com.au

All Australis Foods products are proudly Australian owned and manufactured



Recent Australis news

Taste the outback range to now include Dukkah!

Our innovative team have been developing a new Australian flavoured dukkah which is great for dinner parties or that quick snack. Stay tuned for a pending release date

www.australisfoods.com.au
 phone: 1300 887 028
 Alternatively, you can [email us](#)

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Wholesale Division

Taste the Outback Range

Exporting the Taste of the Outback to the rest of the world. Further details can be found at www.tastetheoutback.com

Health Food

Pioneers in the use, development and promotion of the health benefits of Lupin Kernel Flour (LKF). Lupin8 is the market leader in the satiety category within health foods and pharmacies throughout Australia. Exporting to the USA, New Zealand and emerging Asian and Middle East markets. For further details, visit www.lupin8.com

Wheat Alternative

Leaders in the development of Spelt flour and baking mixes to the consumer. The Spelt range of flours are a healthier option. Not only to those on wheat free diets but also those who seek healthier food choices. For further information, please contact us.

Product Innovation

Australis Foods also has a team of talented individuals working within the wholesale division around assessing the market and developing niche products suitable to the changing economic environment. For further information, please contact us

Australis Foods are focused on providing innovative Australian manufactured food products to the global market



Recent Australis news

Taste the outback range to now include Dukkah!

Our innovative team have been developing a new Australian flavoured dukkah which is great for dinner parties or that quick snack. Stay tuned for a pending release date

www.australisfoods.com.au
phone: 1300 887 028
Alternatively, you can email us

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WHAT IS LUPIN8?

Lupin8 is a total weight control / lifestyle product that is used in everyday cooking and diet regimes.

All the products contained within Lupin8 come from nature.

Lupin8s ingredients are not made in a laboratory but are a mixture of grains from natures basket. We have combined the best and most nutritious features that Mother 1

Lupin8 combines the health and dietary benefits of its all natural ingredients including LKF (Lupin Kernel Flour), creating a product that is high in Dietary Protein and cereals, home made bread, biscuits, cakes, pastries, stir fry's, casseroles, sauces, soups, and shakes etc with little change to their flavour or texture.

By using Lupin8 in every day food preparation there is no need for special or fad diets. Lupin8's inclusion in the normal family food regime helps reduce portion intake

For more information, Recipes, Ingredients and Facts please click on the Information Tab at the top of the page.

**LUPIN8 IS NOW AVAILABLE
IN AUSTRALIA, NEW ZEALAND AND THE USA.
CLICK THE BUY NOW BUTTON
FOR ONLINE ORDERS**



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Lupin8

No diet required, control snack attacks

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- [Information](#)

- [Success Stories](#)
- [Contact Us](#)
- [Stockists](#)

“ I would recommend this to anyone who struggles with over eating ” [read more +](#)



“ Delicious Gluten Free Lasagne - this creation was for my daughter with special needs who is on a gluten free diet. ” [read more +](#)



“ BerryNana Smoothie - Thanks, Well done on an amazing product which really helps me maintain a healthy weight! ” [read more +](#)



8 GREAT REASONS WHY YOU NEED Lupin8

- | | |
|------------------------------------|---------------------------|
| 1. All Natural | 5. Low GI |
| 2. Sustain Energy | 6. Improve Omega 3 Levels |
| 3. Feel Fuller Longer | 7. Digestive Wellbeing |
| 4. Lower Cholesterol Re absorption | 8. Manage Weight |

CHECK YOUR BMI

height (m)

weight (kg)

What's a BMI?
Take a look at [Wikipedia](#).

[Deakin University Lupin Report](#)



What is Lupin8?



Lupin8 is a total weight control / lifestyle product that is used in everyday cooking and diet regimes.

Lupin8 combines the health and dietary benefits of its all natural ingredients including LKF (Lupin Kernel Flour), creating a product that contains Dietary Protein, Fibre. This unique combination creates a powder that can easily be added to breakfast cereals, home made bread, biscuits, cakes, pastries, stir fry's, casseroles, sauces, soups, etc. By using Lupin8 in every day food preparation there is no need for a special diet, fad diet or a tortuous weight Loss Program. Lupin8's inclusion in the normal family of meals.

All natural Lupin8 is the easiest weight control product to use. Simply add one teaspoon per person to each meal and best of all you don't have to change your favourite products on the market. You can be assured that Lupin8 contains no gluten, no chemically altered soy protein isolates, no animal products, no wheat, no preservatives, and no artificial colours or flavours.

For more information on the many ways that Lupin8 benefits your bodies overall well being, please click on the links below.

[Omega 3](#)
[Folate](#)
[Niacin](#)
[Antioxidants](#)
[Zinc](#)
[Potassium](#)
[Vitamin E](#)
[Dietary Fibre](#)

How does Lupin8 work?

Lupin8 is a whole food and products such as this are required by the body to help counteract our existing intake of highly processed foods.

The inclusion of wholefoods in your daily diet plan has been shown to reduce the blood glucose response and the insulin response, releasing sugar more slowly. The increased transit time of food through the bowel, promoting regular bowel movements and removing toxic wastes faster.

Importantly the regular inclusion of wholefoods in your diet plan beneficially influences satiety (appetite suppression) helping to control the urge to snack between meals.

Key benefits include:

Beneficially influence satiety (appetite suppression) and energy balance

Increasing both the amount and types of whole foods into your diet menu introduces both additional Low GI foods and high fibre foods. Low GI, high fibre foods are more satiating.

Introducing more of these foods into a healthy diet has been shown to slow the stomach's digestion of food while sending signals to the brain that it is fuller sooner. This helps to reduce the urge to snack between meals.

Beneficially influence in Glycemic control

Foods with a lower GI also break down more slowly during digestion, giving a slower and more even rise in blood glucose levels, helping sustain energy levels for longer. Studies have shown that following a low GI diet may have benefits for improved management of blood glucose levels, weight control and reduce the risk of a number of health problems. Studies have shown that people who have difficulties managing their blood glucose levels may benefit from the addition of low GI foods into their diet as they provide a gradual release of sugar. Further studies have shown that the reduction in insulin secretion that occurs with a low GI diet may also have benefits for reducing risk factors for metabolic syndrome and gluco. Choosing a low carb diet that includes low glycaemic index (GI) carbohydrates, reduces the intake of saturated fats and increasing fruits and vegetables combining both soluble and insoluble fibre.

Beneficially reduce cholesterol absorption

Dietary fibre found in whole foods is a type of carbohydrate that cannot be digested by the body's enzymes. This fibre can be either soluble or insoluble and both types play an important role in health. Soluble fiber helps the body reduce cholesterol absorption by binding to it in the gut. Additionally, soluble fibre slows down the time it takes for food to pass through the stomach for longer, and in controlling blood sugar levels, important for the management of diabetes

Improve bowel health

Consuming regular amounts of low processed whole foods throughout the day can reduce transit time, once the fibre reaches the colon. Increasing transit times allow food to pass through the colon at a faster rate.

The inclusion of foods containing a "pre-biotic" (feed for the good bacteria in the lower colon) in the diet has also been shown to positively improve digestive wellbeing

Beneficially assists the body's defense mechanisms

The additional sources of Omega3, folate, niacin, antioxidants, zinc, potassium, Vitamin E and Dietary Fibre in Lupin8 has been shown to assist the body's defense mechanisms

Eating foods that contain Omega 3

Omega-3 fats are beneficial in at least three areas of human health: heart disease, inflammatory disease, and development of vision and brain function in babies.

Diets containing Folate

Folate helps produce and maintain new cells. Adequate folate intake during the periconceptual period, the time just before and just after a woman becomes pregnant, is important for the health of the fetus.

How does Niacin help the body function?

Niacin is used by your body to convert carbohydrates into sugar (glucose), which your body then uses for energy. Niacin is required for cell respiration, helps in the synthesis of DNA, and normal secretion of bile and stomach fluids.

Why favor foods with Antioxidants?

Antioxidants help to counter the detrimental effects of oxygen free radicals. Oxygen free radicals have been implicated in the development of several diseases including heart disease, cancer, and aging.

Importance of Zinc

Zinc stimulates the activity of approximately 100 enzymes, which are substances that promote biochemical reactions in your body. Zinc supports a healthy immune system, normal growth and development during pregnancy, childhood, and adolescence.

Potassium

Potassium is a mineral that helps the kidneys function normally. It also plays a key role in cardiac, skeletal, and smooth muscle contraction, making it an important nutrient for overall health.

Vitamin E

As an antioxidant, Vitamin E is essential for protecting body tissue from the damage of oxidation by neutralising free radicals in the body that cause tissue and cellular damage. It also helps to reduce cholesterol as it prevents it from being converted to plaque which thickens the blood vessels.

How to use Lupin8

Lupin8 is the easiest product to use for people wishing to control snack attacks, assist in the management of diabetes and generally improve bowel health. Simply add a small amount to your meals and you will even notice that it's there.

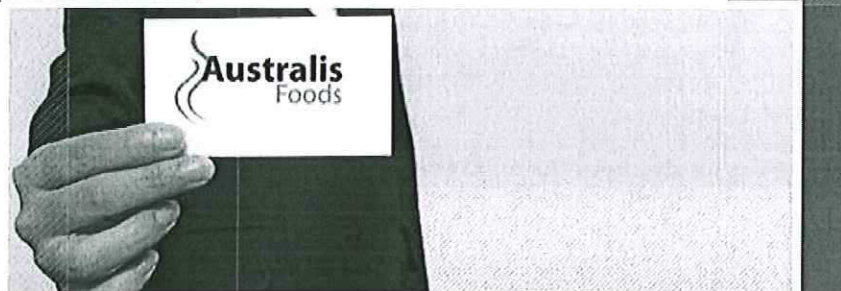
Lupin8 can be sprinkled over the family's breakfast cereals, porridge, muesli, or included in smoothies etc in the morning. It will dissolve in the milk and become part of the meal.

Lupin8 can be added to lunches, having been included in your home made bread, as part of a tossed salad, home made or pre bought soups or instant noodles etc.

Lupin8 is easily included into the evening meals. Simply place one or more tablespoons in with mashed potato, casseroles, pasta sauces, stir fry's, soups, tinned tuna or salmon.

A further recommendation is that Lupin8 contains no gluten, no chemically altered soy protein isolates, no animal products, no wheat, no preservatives, no artificial flavors or colors.

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Retail Division

In its 12th year, the You Can Bake It Franchise stores, operating out of Western Australia and Victoria are the largest chain of independent home baking supply stores in Australia. Each Store stocks a range of over 65 different bread, cake and muffin mixes as well as baking / kitchen ware accessories.

For further information, visit www.bakeit.com.au



Recent Australis news



Taste the outback range to now include Dukkah!

Our innovative team have been developing a new Australian flavoured dukkah which is great for dinner parties or that quick snack. Stay tuned for a pending release date

www.australisfoods.com.au
 phone: 1300 887 028
 Alternatively, you can email us

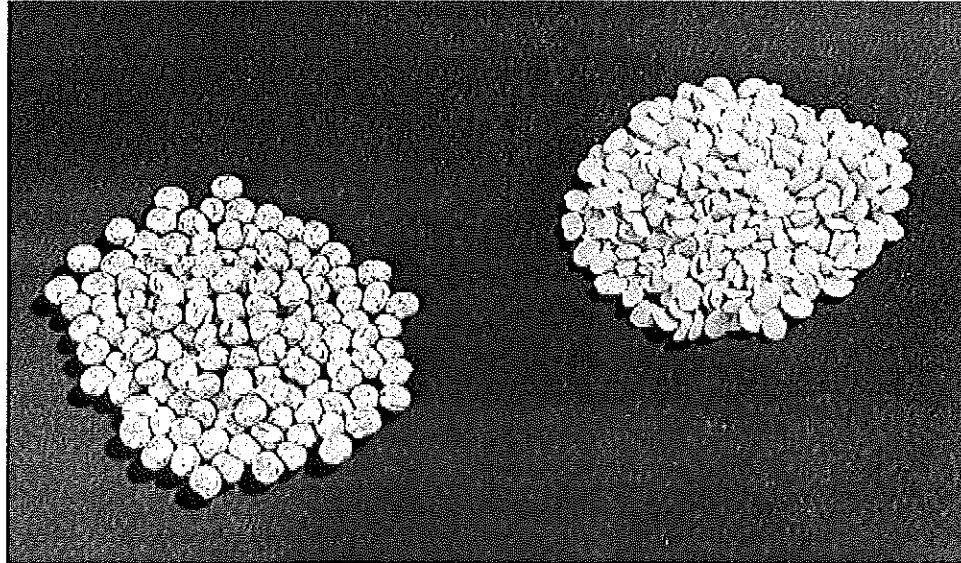
2009 © Australis Foods Pty Ltd

DEAKIN 2003 Deakin University Research Report Research Stories

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Lupin Foods for Health

The name derives from the Latin for wolf, but there is no longer anything feral about the sweet lupin - decades of careful breeding have tamed it and made it an indispensable crop in Western Australia's sandplain wheat belt.



Now, food scientists want to complete the metamorphosis of the sweet lupin, *Lupinus angustifolius*, by making it a healthy, nutritious part of the Australian diet - a sort of home-grown equivalent of the soybean.

Australians can already buy a few boutique products made from lupin flour, like breads, biscuits and pasta, but Deakin University food scientist [Dr Stuart Johnson](#) believes the time has come for the sweet lupin to make its presence more strongly felt on supermarket shelves.

"Western Australian farmers produce around a million tonnes of sweet lupin grain per year," he said. "That's many times the figure for any other Australian legume crop, like soy, chickpeas or field peas."

"But very little goes to human consumption - no more than a few thousand tonnes. Most lupin grain is fed to animals."

Dr Johnson says lupins were traditionally grown as a nitrogen-fixing crop in rotation with wheat. Plant breeders successfully reduced levels of toxic, bitter alkaloids in their seeds to the point where they could be safely eaten by sheep and cattle.

The latest generation of sweet lupins contains virtually negligible levels of alkaloids, and is recognised by Food Standards Australia New Zealand as fit for human consumption.

Agriculture now faces the challenge of ensuring it can produce enough food to feed the world's still expanding population in the new millenium. With animal protein likely to become increasingly expensive, and in short supply, Dr Johnson says underutilised grain legumes like sweet lupin could be an increasingly important, alternative source of nutrients.

"My interest is in finding ways to use sweet lupins in food products that will be acceptable to

consumers, palatable, and with desirable nutritional properties," he said.

"I'm working with a team of food science and nutrition researchers to investigate ways in which palatable food products can be developed from lupin and what happens when healthy human subjects are given diets high in lupin-derived products.□

"We hope to develop the nutritional understanding of the effects of lupin in the human diet that could assist the Australian food industry in its promotion of lupin to consumers in Australia and overseas."

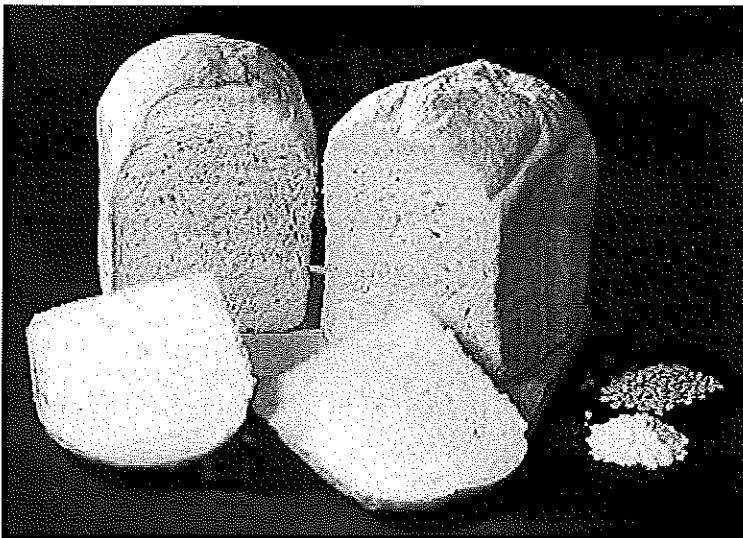
Climatic and soil conditions permit a far greater production of lupin in Australia than soy, and much of the soy-based foods available in Australia are derived from imported soy-derived ingredients, so import replacement is a further incentive to develop a local equivalent.

What is known about lupins is that, like soybeans their kernels are comparably high in protein - about 40 per cent by weight - lower in oil (9 per cent vs 20 per cent), with about 30 per cent by weight of dietary fibre.

Dr Johnson previously worked in the food industry, where he was developing purified kernel fibre from lupins as an □invisible□ dietary fibre ingredient for foods.

He is now developing foods derived from lupin kernel fibre and flour such as high-fibre bread, muffins, pasta and breakfast bars.

Dr Johnson and his Deakin University colleagues Associate Professor Gwyn Jones, Dr Stuart Smith, Ms Helen Devereux, Mr Ramon Hall and Ms Amynta Baxter in collaboration with Food Science Australia, Agriculture Western Australia and several food companies have been funded by the Grains Research and Development Corporation, and the Australian Research Council to develop these foods, design diets around them and in collaboration with Prof Madeleine Ball of the University of Tasmania, to investigate the physiological effects of a diet high in lupin flour and purified lupin fibre in humans.



This includes effects on such things as bowel function faecal chemistry and microbiology, blood lipids and hormones, and appetite, factors related to the risk of bowel cancer, cardiovascular disease risk, non insulin-dependent diabetes and obesity.

Lupin fibre is a pale, bland powder that absorbs many times its own weight in water. There is evidence in pigs that lupin fibre may reduce total food intake. Dr Johnson and his colleague Ms Devereux are investigating whether lupin fibre, when added to other foods, can create

sensations of "fullness" or satiety in humans, quelling hunger without reducing the palatability of the foods.

If the end result is that people don't eat as much, lupin fibre could become a valuable adjunct in diets for treating obesity and overweight □ important given that almost 40% of adult Australians are considered overweight with a further 18% classified as obese.

"My own research interest is developing palatable, nutritionally balanced food products containing

physiologically useful levels of fibre," he said.

"In our sensory evaluations of lupin fibre-enriched bread, muffins, breakfast bars and orange juice, we asked members of a taste panel to rank the acceptability on a line scale that ran from extremely acceptable to extremely unacceptable.□

"The fibre-enriched orange juice was the only product not to fulfill pre-set acceptability criteria though on average it was still rated better than □neither acceptable or unacceptable□ on the scale used for evaluation.□

"That result was interesting, because people were able to detect the texture of the fibre in the juice, and identify it as different from orange juice without fibre. We may be able to solve this problem by modifying the fibre particle characteristics."

Dr Johnson says that as a source of dietary protein for humans, sweet lupins are not yet in the class of soy, which has an amino-acid composition more like that of meat from animals.

Lupin protein is low in sulphur-rich amino acids like methionine and cysteine, as well as lysine, which are all essential in a healthy, balanced diet.

Dr Johnson says molecular geneticists could directly modify the crop's existing amino acid balance with genetic engineering, but given consumer uncertainty about genetically modified crops and foods, this might be a barrier to successful marketing. Instead of using genetic engineering the lupin industry may opt for the longer conventional breeding route, to avoid any risk of consumer resistance.

Dr Johnson says he isn't out to convert Australians into vegetarians. "I see lupins not as a replacement for meat in the Australian diet, but more as a way to a more varied diet that is higher in whole grains and dietary fibre and lower in saturated fat, with all its health implications of reduced risk of cardiovascular disease and colon cancer for instance," he said.

Australians could benefit from more fibre in the diet, while as long as essential amino acid requirements are carefully considered though appropriate food combinations, consumers could benefit from lupin as a relatively inexpensive extra source of dietary protein.

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2003 Deakin University Research Report

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

In re : Registration No. 3,738,119

For the Mark : LUPIN8 (and design)

Registered on : January 12, 2010

*

Lupin Pharmaceuticals, Inc.,

*

Petitioner

*

v.

*

Cancellation No. Unassigned

*

Australis Foods Pty Ltd,

*

Registrant

*

Honorable Commissioner of Trademarks

P.O. Box 1451

Arlington, Virginia 22313-1451

PETITION TO CANCEL

Petitioner, Lupin Pharmaceuticals, Inc., a corporation organized under the laws of the Commonwealth of Virginia and having a principal place of business of 111 S. Calvert Street, 21st Floor, Baltimore, Maryland 21202, believes that it is being damaged by Registration No. 3,738,199 and hereby petitions to cancel the same.

To the best of Petitioner's knowledge, the name and address of the current owner of the registration is Australis Foods Pty Ltd, a corporation organized under the laws of Australia whose address is Level 13, 200 Queen Street, Melbourne Vic, Australia 3000.

The grounds for the petition are as follows:

1. Petitioner has adopted and continuously used the LUPIN word mark and LUPIN (and design) mark in connection with a full line of pharmaceuticals for medical purposes in interstate commerce since at least as early as July 2005.
2. As a result of Petitioner's extensive and continuous use of the LUPIN word mark and the LUPIN (and design) mark in interstate commerce in the United States, the purchasing public has come to recognize the LUPIN word mark and the LUPIN (and design) mark as indicating that the full line of pharmaceuticals, in connection with such marks originates with Petitioner. See Exhibit 1, and Applicant's website, <http://www.lupinpharmaceuticals.com>. In 2009, Petitioner held at least one of the top three positions with respect to market share for eighteen of its pharmaceutical products in the United States. Petitioner's use of the LUPIN word mark and the LUPIN (and design) mark spans the entire United States.
3. Petitioner filed an application for registration of the LUPIN word mark on the Principal Register on June 24, 2009, which application was assigned Serial No. 77/766,890. Petitioner narrowed its description of goods to "a full line of pharmaceuticals for medical purposes, but excluding dietary supplements and edible flour" in an attempt to gain registration. Registration of Petitioner's application has been or will be refused by the Patent and Trademark Office on the grounds of likelihood of confusion with Registrant's LUPIN8 (and design) mark in Registration No. 3,738,119. See Exhibit 2.
4. Petitioner filed an application for registration of the LUPIN (and design) mark on the Principal Register on June 24, 2009, which application was assigned Serial No. 77/766,816. Registration of Petitioner's application was refused by the Patent and Trademark Office on the grounds of likelihood of confusion with Registrant's LUPIN8 (and design) mark in Registration No. 3,738,119. See Exhibit 3.
5. Registrant has obtained registration of the LUPIN8 (and design) mark in connection with the sale of "dietary supplements and edible flour" on the Principal Register. Registrant's mark was registered January 12, 2010, as Registration No. 3,738,119. See Exhibit 4.

6. Registrant's first date of use is February 1, 2008 and date of first use in interstate commerce is June 1, 2009.

First Ground for Claim - Likelihood of Confusion

7. For the foregoing reasons and based on the facts alleged above, Registrant's Lupin8 (and design) mark (i.e. Registration No. 3,738,119) so resembles Petitioner's LUPIN word mark and LUPIN (and design) mark, as to be likely, when used on or in connection with the goods and services of Registrant, to cause confusion, or to cause mistake, or to deceive in the mind of the public as to the origin of the Registrant's goods.
8. The goods offered in connection with Registrant's LUPIN8 (and design) mark are "dietary supplements" in International Class 5, the same class of goods offered by Petitioner under its mark, and "edible flour" in International Class 30.
9. Registrant claims no use of the LUPIN8 (and design) mark in the United States for "dietary supplements and edible flour" prior to February 1, 2008, the date of first use, or prior to June 1, 2009, the date of first use in interstate commerce. Because Petitioner's date of first use of the LUPIN word mark and the LUPIN (and design) mark (i.e. July, 2005) precedes by at least two and one-half years Registrant's date of first use and date of first use in commerce of the LUPIN8 (and design) mark, Petitioner has superior rights in and to the mark.
10. Petitioner believes that it will be damaged by the continued existence of Registrant's Registration No. 3,738,119, in that Registrant's LUPIN8 (and design) mark is confusingly similar to Petitioner's LUPIN word mark and LUPIN (and design) mark and in that Registrant's mark is used in connection with goods which are essentially identical and/or closely related to Petitioner's goods.

Second Ground of Claim - Merely Descriptive

11. For the foregoing reasons and based on the facts alleged above, Petitioner further believes that Registrant's LUPIN8 (and design) mark, when used in connection with "dietary supplements and edible flour," is merely descriptive of Registrant's goods.

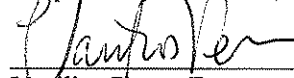
12. Registrant's goods include, as a key ingredient of such goods, lupin kernel flour. See Exhibit 5, www.australisfoods.com.au and www.lupin8.com. Furthermore, a 2003 Deakin University Research Report discusses the health and dietary benefits of food products and supplements made from lupin kernel flour, for example, as used in breads, biscuits and pasta. See Exhibit 6.
13. Petitioner believes that it will be damaged by the continued existence of Registrant's Registration No. 3,738,119 in that the LUPIN8 (and design) mark blocks Petitioner's registration of its LUPIN word mark and LUPIN (and design) mark and in that the LUPIN8 (and design) mark is merely descriptive of the applicable goods and should not have been allowed registration.
14. Based on the foregoing, Registration No. 3,738,119 has caused injury and damage to Petitioner in that such registration is an obstacle to Petitioner's right to the registration of its LUPIN word mark and LUPIN (and design) mark.

WHEREFORE, Petitioner prays that Registration No. 3,738,119 be canceled and that this cancellation be sustained.

Power of Attorney

Applicant hereby appoints as attorney Vasilios Peros, a member of the Bar of the District of Columbia and Maryland, and having his offices and post office address at THOMAS & LIBOWITZ, P.A., 100 Light Street, Suite 1100, Baltimore, MD 21202, Telephone (443) 927-2118, Fax (410) 752-2046, Email vperos@tandllaw.com, to prosecute this petition, and to transact all business in the Patent and Trademark Office in connection therewith, and to receive all communicates in connection with this Petition to Cancel.

Respectfully submitted,



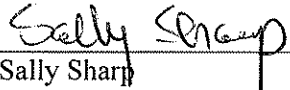
Vasilios Peros, Esq.
THOMAS & LIBOWITZ, P.A.
100 Light Street, Suite 1100
Baltimore, MD 21202
Telephone: (443) 927-2118
Facsimile: (410) 752-2046
Email: vperos@tandllaw.com

Attorneys for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that on March 30, 2010, a copy of this Petition to Cancel and its attachment was served on the following, via first class international mail, postage pre-paid:

Australis Foods Pty Ltd
Level 13, 200 Queen Street
Melbourne Vic, Australia 3000



Sally Sharp

ESTTA Tracking number: **ESTTA382133**

Filing date: **12/06/2010**

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

Proceeding	92052316
Party	Plaintiff Lupin Pharmaceuticals, Inc.
Correspondence Address	VASILIOS PEROS THOMAS & LIBOWITZ, P.A. 100 LIGHT STREET, SUITE 1100 BALTIMORE, MD 21202 UNITED STATES vperos@tandllaw.com
Submission	Other Motions/Papers
Filer's Name	Vasilios Peros
Filer's e-mail	vperos@tandllaw.com
Signature	/Vasilios Peros/
Date	12/06/2010
Attachments	Request to Dismiss - Lupin8.pdf (2 pages)(33959 bytes)

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

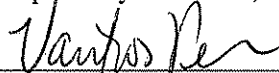
In re : Registration No. 3,738,119
For the Mark : LUPIN8 (and design)
*
Lupin Pharmaceuticals, Inc., *
Petitioner *
v. * Cancellation No. 92052316
*
Australis Foods Pty Ltd, *
Registrant *

Commissioner of Trademarks
Trademark Trial and Appeal Board
P.O. Box 1451
Arlington, Virginia 22313-1451

REQUEST TO DISMISS CANCELLATION PROCEEDINGS

Petitioner, Lupin Pharmaceuticals, Inc., by and through its undersigned counsel, hereby requests that the cancellation proceedings in connection with the above-referenced matter be dismissed in accordance with the terms and conditions of the agreement of the parties. The Registrant has consented to this dismissal.

Respectfully submitted,

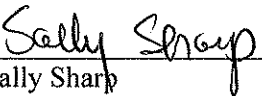


Vasilios Peros, Esq.
THOMAS & LIBOWTIZ, P.A.
100 Light Street, Suite 1100
Baltimore, MD 21202
Telephone: (443) 927-2118
Facsimile: (410) 752-2046
Email: vperos@tandllaw.com
Attorneys for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that on December 6, 2010, a copy of this REQUEST TO DISMISS CANCELLATION PROCEEDINGS was served on Registrant, via first class international mail, postage pre-paid:

Michael J. McCue
Lewis and Roca LLP
3993 Howard Hughes Pkwy, Suite 600
Las Vegas, Nevada 89169



Sally Sharp

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- : Opposition No. 91226322
AMPEL, LLC, :
Applicant. :
-----X

EXHIBIT PP

TO

OPPOSER'S NOTICE OF RELIANCE IN REBUTTAL

United States of America

United States Patent and Trademark Office



Reg. No. 3,738,119 AUSTRALIS FOODS PTY LTD (AUSTRALIA CORPORATION)
Registered Jan. 12, 2010 LEVEL 13, 200 QUEEN STREET
MELBOURNE VIC, AUSTRALIA 3000

Int. Cls.: 5 and 30 FOR: DIETARY SUPPLEMENTS, IN CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).

TRADEMARK FIRST USE 2-1-2008; IN COMMERCE 6-1-2009.
PRINCIPAL REGISTER FOR: EDIBLE FLOUR, IN CLASS 30 (U.S. CL. 46).

FIRST USE 2-1-2008; IN COMMERCE 6-1-2009.

THE MARK CONSISTS OF THE WORD/NUMBER "LUPIN8" WITH A CURVED ARROW BELOW.

SN 77-707,006, FILED 4-4-2009.

DANNEAN HETZEL, EXAMINING ATTORNEY



David J. Kyfos

Director of the United States Patent and Trademark Office

Generated on: This page was generated by TSDR on 2018-10-24 14:11:55 EDT

Mark: LUPIN8



US Serial Number: 77707006

Application Filing Date: Apr. 04, 2009

US Registration Number: 3738119

Registration Date: Jan. 12, 2010

Filed as TEAS Plus: Yes

Currently TEAS Plus: Yes

Register: Principal

Mark Type: Trademark

Status: Registration cancelled because registrant did not file an acceptable declaration under Section 8. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

Status Date: Aug. 19, 2016

Publication Date: Aug. 04, 2009

Notice of Allowance Date: Oct. 27, 2009

Date Cancelled: Aug. 19, 2016

Mark Information

Mark Literal Elements: LUPIN8

Standard Character Claim: No

Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

Description of Mark: The mark consists of the word/number "LUPIN8" with a curved arrow below.

Color(s) Claimed: Color is not claimed as a feature of the mark.

Design Search Code(s): 24.15.25 - Other arrows
26.11.21 - Rectangles that are completely or partially shaded

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((..)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *.* identify additional (new) wording in the goods/services.

For: Dietary supplements

International Class(es): 005 - Primary Class

U.S Class(es): 006, 018, 044, 046, 051, 052

Class Status: SECTION 8 - CANCELLED

Basis: 1(a)

First Use: Feb. 01, 2008

Use in Commerce: Jun. 01, 2009

For: Edible flour

International Class(es): 030 - Primary Class

U.S Class(es): 046

Class Status: SECTION 8 - CANCELLED

Basis: 1(a)

First Use: Feb. 01, 2008

Use in Commerce: Jun. 01, 2009

Basis Information (Case Level)

Filed Use: No	Currently Use: Yes	Amended Use: No
Filed ITU: Yes	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: LUPIN LTD

Owner Address: LAXMI TOWERS, 'B' WING
7TH FLOOR, BANDRA KURLA COMPLEX
MUMBAI 400 051
INDIA

Legal Entity Type: CORPORATION

State or Country: INDIA
Where Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Steven Williams

Attorney Primary Email Address: steve@sbwilliams.com.au

Docket Number: Australis Fo

Attorney Email Authorized: No

Correspondent

Correspondent Name/Address: MICHAEL J. MCCUE
LEWIS AND ROCA LLP
3993 HOWARD HUGHES PARKWAY
SUITE 600
LAS VEGAS, NEVADA 3000
UNITED STATES

Correspondent e-mail: steve@sbwilliams.com.au

Correspondent e-mail Authorized: No

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Aug. 19, 2016	CANCELLED SEC. 8 (6-YR)	
Mar. 11, 2011	TTAB RELEASE CASE TO TRADEMARKS	52316
Mar. 11, 2011	CANCELLATION TERMINATED NO. 999999	52316
Mar. 11, 2011	CANCELLATION DENIED NO. 999999	52316
Dec. 09, 2010	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Apr. 15, 2010	CANCELLATION INSTITUTED NO. 999999	52316
Jan. 12, 2010	REGISTERED-PRINCIPAL REGISTER	
Dec. 08, 2009	LAW OFFICE REGISTRATION REVIEW COMPLETED	68552
Dec. 08, 2009	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Dec. 04, 2009	STATEMENT OF USE PROCESSING COMPLETE	66154
Nov. 06, 2009	USE AMENDMENT FILED	66154
Dec. 04, 2009	CASE ASSIGNED TO INTENT TO USE PARALEGAL	66154
Nov. 06, 2009	TEAS STATEMENT OF USE RECEIVED	
Oct. 27, 2009	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Aug. 04, 2009	PUBLISHED FOR OPPOSITION	
Jul. 15, 2009	NOTICE OF PUBLICATION	
Jun. 30, 2009	LAW OFFICE PUBLICATION REVIEW COMPLETED	68552

Jun. 30, 2009	ASSIGNED TO LIE	68552
Jun. 23, 2009	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jun. 23, 2009	ASSIGNED TO EXAMINER	81840
Apr. 09, 2009	NOTICE OF DESIGN SEARCH CODE MAILED	
Apr. 08, 2009	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Apr. 08, 2009	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: TMEG LAW OFFICE 106

Date in Location: Dec. 15, 2009

Assignment Abstract Of Title Information

Summary

Total Assignments: 1

Registrant: Australis Foods Pty Ltd

Assignment 1 of 1

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: [4412/0809](#)

Pages: 4

Date Recorded: Nov. 11, 2010

Supporting Documents: [assignment-tm-4412-0809.pdf](#)

Assignor

Name: [AUSTRALIS FOODS PTY LTD](#)

Execution Date: Oct. 28, 2010

Legal Entity Type: CORPORATION

State or Country Where Organized: AUSTRALIA

Assignee

Name: [LUPIN LTD](#)

State or Country Where Organized: INDIA

Legal Entity Type: CORPORATION

Address: LAXMI TOWERS, 'B' WING
7TH FLOOR, BANDRA KURLA COMPLEX
MUMBAI, INDIA 400 051

Correspondent

Correspondent Name: VASILIOS PEROS

Correspondent Address: THOMAS & LIBOWITZ, P.A.
100 LIGHT ST., STE. 1100
BALTIMORE, MD 21202

Domestic Representative - Not Found

Proceedings

Summary

Number of Proceedings: 1

Type of Proceeding: Cancellation

Proceeding Number: [92052316](#)

Filing Date: Mar 30, 2010

Status: Terminated

Status Date: Mar 11, 2011

Interlocutory Attorney: ANN LINNEHAN VOGLER

Defendant

Name: Australis Foods Pty Ltd

Correspondent Address: MICHAEL J. MCCUE
LEWIS AND ROCA LLP
3993 HOWARD HUGHES PARKWAY, SUITE 600
LAS VEGAS NV , 3000

UNITED STATES

Associated marks

Mark	Application Status	Serial Number	Registration Number
LUPIN8	Cancelled - Section 8	77707006	3738119

Plaintiff(s)

Name: Lupin Pharmaceuticals, Inc.

Correspondent Address: VASILIOS PEROS
THOMAS & LIBOWITZ, P.A.
100 LIGHT STREET, SUITE 1100
BALTIMORE MD , 21202
UNITED STATES

Correspondent e-mail: vperos@tandllaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
LUPIN	Section 8 and 15 - Accepted and Acknowledged	77766890	4024405
LUPIN	Registered	77766816	4874579

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Mar 30, 2010	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Apr 15, 2010	May 25, 2010
3	PENDING, INSTITUTED	Apr 15, 2010	
4	STIPULATION FOR AN EXTENSION OF TIME	May 25, 2010	
5	ANSWER	Jun 08, 2010	
6	EXTENSION OF TIME GRANTED	Jun 21, 2010	
7	P'S MOT TO SUSP PEND SETLMT NEGOTIATIONS	Oct 05, 2010	
8	SUSPENDED	Nov 03, 2010	
9	P'S MOTION TO DISMISS	Dec 06, 2010	
10	RESPONSE DUE 30 DAYS (DUE DATE)	Jan 19, 2011	Feb 18, 2011
11	BOARD'S DECISION: DISMISSED W/ PREJUDICE	Mar 11, 2011	
12	TERMINATED	Mar 11, 2011	

TRADEMARK ASSIGNMENT

Electronic Version v1.1
 Stylesheet Version v1.1

SUBMISSION TYPE:	NEW ASSIGNMENT		
NATURE OF CONVEYANCE:	ASSIGNS THE ENTIRE INTEREST AND THE GOODWILL		
CONVEYING PARTY DATA			
Name	Formerly	Execution Date	Entity Type
Australis Foods Pty Ltd		10/28/2010	CORPORATION: AUSTRALIA
RECEIVING PARTY DATA			
Name:	Lupin Ltd		
Street Address:	Laxmi Towers, 'B' Wing		
Internal Address:	7th Floor, Bandra Kurla Complex		
City:	Mumbai		
State/Country:	INDIA		
Postal Code:	400 051		
Entity Type:	CORPORATION: INDIA		
PROPERTY NUMBERS Total: 1			
Property Type	Number	Word Mark	
Registration Number:	3738119	LUPIN8	
CORRESPONDENCE DATA			
Fax Number:	(410)752-2046		
	<i>Correspondence will be sent via US Mail when the fax attempt is unsuccessful.</i>		
Phone:	(443) 927-2118		
Email:	vperos@tandllaw.com		
Correspondent Name:	Vasilios Peros		
Address Line 1:	Thomas & Libowitz, P.A.		
Address Line 2:	100 Light St., Ste. 1100		
Address Line 4:	Baltimore, MARYLAND 21202		
ATTORNEY DOCKET NUMBER:	101706.003		
DOMESTIC REPRESENTATIVE			
Name:			
Address Line 1:			

OP \$40.00 3738119

900177191

**TRADEMARK
 REEL: 004412 FRAME: 0809**

Address Line 2:
Address Line 3:
Address Line 4:

NAME OF SUBMITTER:	Vasilios Peros
Signature:	/Vasilios Peros/
Date:	11/11/2010

Total Attachments: 2
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source=Trademark Assignment - Lupin8 US v2- EXECUTION COPY#page2.tif

TRADEMARK ASSIGNMENT

THIS TRADEMARK ASSIGNMENT (the "Assignment") is made by **AUSTRALIS FOODS PTY LTD**, a corporation organized under the laws of Australia, whose address is Level 13, 200 Queen Street, Melbourne VIC, 3000 Australia (the "Assignor"), to **LUPIN LTD**, a corporation organized under the laws of India, having offices at Laxmi Towers, 'B' Wing, 7th Floor, Bandra Kurla Complex, Mumbai 400 051, India (the "Assignee").

WHEREAS, the Assignor is the owner of the LUPIN8 (and design) mark, United States Trademark Registration No. 3,738,119 registered on January 12, 2010 (the "Trademark"); and

WHEREAS, the Assignor, the Assignee and certain other parties have entered into a Purchase Agreement of even date hereof pursuant to which the Assignee shall purchase certain assets of the Assignor, including without limitation, the Trademark and the goodwill of the business associated therein.

NOW, THEREFORE, for good and valuable consideration, receipt and sufficiency of which are hereby acknowledged, the Assignor agrees as follows:

1. The Assignor hereby irrevocably sells, assigns, transfers and conveys as of the date written below, to the Assignee, its successors and assigns, all right, title and interest in and to the Trademark, and all renewals and extensions thereof; any and all goodwill of the business symbolized by and associated with the Trademark; and any and all proceeds thereof, including without limitation, any claims by the Assignor against third parties for infringement of the Trademark, the same to be held and enjoyed by the Assignee, its successors and assigns, as fully and entirely as the same could have been held and enjoyed by the Assignor had this Assignment not been made.
2. The Assignor further assigns to the Assignee all rights to sue and receive all damages accruing from the past infringements of the Trademark, and the goodwill of the business symbolized by and associated therein, as herein assigned.
3. The Assignor, without further consideration, shall take such actions, including without limitation, the execution, acknowledgment and delivery of documents, as may reasonably be requested by the Assignee to further effect the transactions contemplated herein.
4. This Assignment does not, nor shall it be deemed to, supersede, extinguish or merge any of the representations, warranties, covenants, agreements and indemnities set forth in the Purchase Agreement, including without limitation, all representations, warranties, covenants, agreements and indemnities therein made, all of which are incorporated herein by reference, and which provisions shall remain in full force and effect as provided therein.
5. This Assignment shall be governed by, and construed in accordance with, the laws of the State of New York, without regard to its conflicts of laws principles.


EXECUTION COPY

IN WITNESS WHEREOF, the Assignor has executed this Assignment on this 28th day of October, 2010.

WITNESS:

Kimberly Ann All

AUSTRALIS FOODS PTY LTD

By:  (SEAL)
Neil M. Page
CEO

State
PROVINCE OF Washington
City of Seattle

I HEREBY CERTIFY that on October 28th, 2010, before me, a Notary Public of the ~~Province of~~ ^{city/state} Seattle, Washington ~~Australia~~, personally appeared Neil M. Page, who acknowledged himself to be the CEO of Australis Foods Pty Ltd (the "Corporation") and that he, as such officer, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing the name of the Corporation by himself as such officer.

WITNESS my hand and Notarial Seal.

Kimberly Ann All
Notary Public
My Commission Expires: 5/20/2013



[Signature page to Trademark Assignment]