

ESTTA Tracking number: **ESTTA774882**

Filing date: **10/05/2016**

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	Apotex Technologies Inc.
Granted to Date of previous extension	10/05/2016
Address	150 Signet Drive Toronto, Ontario, M9L1T9 CANADA
Attorney information	Sheryl L. De Luca NIXON & VANDERHYE P.C. 901 N. Glebe Road, 11th Floor Arlington, VA 22203 UNITED STATES nixonptomail@nixonvan.com

Applicant Information

Application No	86647342	Publication date	06/07/2016
Opposition Filing Date	10/05/2016	Opposition Period Ends	10/05/2016
International Registration No.	NONE	International Registration Date	NONE
Applicant	Britannia Pharmaceuticals Limited 200 Longwater Avenue, Green Park Reading, RG26GP UNITED KINGDOM		

Goods/Services Affected by Opposition


Class 005. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: pharmaceutical preparations and substances for the treatment of Parkinson's Disease
Class 010. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: medical and surgical apparatus and instruments, namely, apparatus and instruments for injecting pharmaceutical preparations; pharmaceutical injectors for medical purposes

Grounds for Opposition


Priority and likelihood of confusion	Trademark Act Section 2(d)
--------------------------------------	----------------------------

Marks Cited by Opposer as Basis for Opposition


U.S. Registration	2859839	Application Date	08/25/2003
-------------------	---------	------------------	------------


No.			
Registration Date	07/06/2004	Foreign Priority Date	NONE
Word Mark	APO		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 1975/03/00 First Use In Commerce: 1997/09/00 Medicinal and pharmaceutical preparations, namely, psychotherapeutics (antidepressants, tranquilizers); antiparkinsonians; antidiabetics; [vitamins and mineral dietary supplements;] diuretics; antihypertensives; sedatives; antiemetics; antibacterials; antibiotics; antiarthritics; anti-inflammatory agents; anticonvulsants; antiarrhythmics; uricosurics; xanthine oxidase inhibitors		

U.S. Registration No.	1162404	Application Date	03/15/1978
Registration Date	07/28/1981	Foreign Priority Date	NONE
Word Mark	APOTEX		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 0 First Use In Commerce: 0 Medicinal and Pharmaceutical Preparations		


U.S. Registration No.	4632563	Application Date	02/25/2013
Registration Date	11/04/2014	Foreign Priority Date	NONE
Word Mark	APOBIOLOGIX A DIVISION OF APOTEX CORP.		
Design Mark			
Description of Mark	The mark consists of the stylized figure of a human being to the left of a stylized rendering of the word "ApoBiologix" with the letters "A" and "B" presented in initial caps and the remaining letters presented in lower case lettering. Beneath separated by a horizontal line the length of the wording and flush to the right is the wording "A Division of Apotex Corp." in a smaller font with the letters "A",		

	"D", and "C" in the wording featured in initial caps and the remaining letters in lower case.
Goods/Services	Class 042. First use: First Use: 2014/08/18 First Use In Commerce: 2014/08/18 Drug product research development services

U.S. Registration No.	4621329	Application Date	02/25/2013
Registration Date	10/14/2014	Foreign Priority Date	NONE
Word Mark	APOBIOLOGIX		
Design Mark			
Description of Mark	The mark consists of the stylized figure of a human being to the left of a stylized rendering of the word "ApoBiologix" with the letters "A" and "B" presented in initial caps and the remaining letters presented in lower case lettering.		
Goods/Services	Class 042. First use: First Use: 2014/08/18 First Use In Commerce: 2014/08/18 Drug product research development services		

U.S. Registration No.	4989604	Application Date	02/09/2015
Registration Date	06/28/2016	Foreign Priority Date	NONE
Word Mark	APOTEX CONSUMER PRODUCTS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 016. First use: First Use: 2013/04/00 First Use In Commerce: 2013/04/00 Printed brochures, catalogs and promotional materials in the nature of pamphlets and flyers all relating to pharmaceutical products Class 035. First use: First Use: 2013/04/00 First Use In Commerce: 2013/04/00 Promoting the pharmaceutical products of others by advertising and marketing Class 042. First use: First Use: 2013/04/00 First Use In Commerce: 2013/04/00 Drug and pharmaceutical product research and development services		

U.S. Application No.	85926345	Application Date	05/08/2013
Registration Date	NONE	Foreign Priority Date	05/07/2013

Word Mark	APOBIOLOGIX
Design Mark	
Description of Mark	NONE
Goods/Services	Class 042. First use: First Use: 0 First Use In Commerce: 0 Drug product research development services

Attachments	76540417#TMSN.png(bytes) 76713573#TMSN.png(bytes) 76713572#TMSN.png(bytes) 86528589#TMSN.png(bytes) 85926345#TMSN.png(bytes) 2148-146 Notice of Opposition.pdf(711377 bytes) 2148-146.Ex 1 Reg 2859839.pdf(146341 bytes) 2148-146.Ex 2 Reg 1162404.pdf(127696 bytes) 2148-146.Ex 3 Reg 4634563.pdf(2087368 bytes) 2148-146.Ex 4 Reg 4621329.pdf(1923717 bytes) 2148-146.Ex 5 Reg 4989604.pdf(204433 bytes)
-------------	--

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	/Sheryl L. De Luca/
Name	Sheryl L. De Luca
Date	10/05/2016

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

2148-146

Apotex Technologies Inc.,)	
)	
Opposer,)	
)	
v.)	Opposition No. _____
)	Application No. 86/647,342
Britannia Pharmaceuticals Limited,)	Mark: APO-GO READY
)	
Applicant.)	

ATTN: Chief Administrative Trademark Judge
Commissioner for Trademarks
P.O. Box 1451
Alexandria, Virginia 22313-1451

NOTICE OF OPPOSITION

In the matter of an application for registration of the mark APO-GO READY, Serial No. 86/647,342, filed June 1, 2015 by Britannia Pharmaceuticals Limited (hereafter "Applicant"), which was published in the Official Gazette of June 7, 2016 in International Classes 5 and 10, after which Apotex Technologies Inc., with an address at 150 Signet Drive, Toronto, Ontario Canada M9L1T9 (hereafter "Opposer"), on July 7, 2016 filed a First 30 Day Request for Extension of Time to Oppose which was granted on that same day; and on August 8, 2016 filed a 60 Day Request for Extension of Time to Oppose for Good Cause, which was granted that same day. Opposer believes that it will be damaged by the registration of the mark shown in the above-identified application and hereby opposes same under the provisions of Section 13 of the Trademark Act of July 5, 1945 (15 U.S.C. §1063). Our payment in the amount of \$600 is enclosed.

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.