

ESTTA Tracking number: **ESTTA958879**

Filing date: **03/08/2019**

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	03/10/2019
Address	150 Signet Drive Toronto, ON M9L 1T9 CANADA

Attorney information	Sheryl De Luca Nixon & Vanderhye P.C. 901 N. Glebe Road, 11th Floor Arlington, VA 22203 UNITED STATES nixonptomail@nixonvan.com, sld@nixonvan.com 7038164063
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Applicant Information

Application No	87619852	Publication date	09/11/2018
Opposition Filing Date	03/08/2019	Opposition Period Ends	03/10/2019
Applicant	Fischer Enterprises LLC 2515 White Bear Ave Suite 106 Maplewood, MN 55109 UNITED STATES		

Goods/Services Affected by Opposition

Class 003. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: (Based on Intent to Use) Cosmetics and cosmetic preparations
Class 005. First Use: 2017/08/01 First Use In Commerce: 2017/08/01 All goods and services in the class are opposed, namely: (Based on Use in Commerce) Health food supplements


Grounds for Opposition


Priority and likelihood of confusion	Trademark Act Section 2(d)
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Marks Cited by Opposer as Basis for Opposition


U.S. Registration No.	1162404	Application Date	03/15/1978
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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.	2859839	Application Date	08/25/2003
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.	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. Registration No.	5116756	Application Date	05/08/2013
Registration Date	01/10/2017	Foreign Priority Date	05/07/2013
Word Mark	APOBIOLOGIX		

Design Mark	<h1>APOBIOLOGIX</h1>		
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 0 First Use In Commerce: 0 Drug product research development services		


U.S. Registration No.	5135257	Application Date	03/11/2015
Registration Date	02/07/2017	Foreign Priority Date	03/05/2015
Word Mark	APOBIOLOGIX		
Design Mark	<h1>ApoBiologix</h1>		
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 0 First Use In Commerce: 0 Pharmaceutical preparations, namely, pharmaceuticals for [hemopoetic] *hematopoietic* growth factors used for stimulating white blood cell production and for the treatment of proliferative disorders, namely, angiogenic disorders including cancer		

U.S. Registration No.	5169202	Application Date	05/19/2015
Registration Date	03/28/2017	Foreign Priority Date	NONE
Word Mark	APOBIOLOGIX		
Design Mark			
Description of	The mark consists of a generally octagonal grouping of circles and semicircles		

Mark	to the left of a stylized rendering of the word "Apobiologix" with the letter "A" presented as a capital letter and the remaining letters presented in lower case lettering.
Goods/Services	Class 005. First use: First Use: 0 First Use In Commerce: 0 Pharmaceutical preparations, prescription drugs, generic drugs, and biosimilar drugs for [hemopoetic] *hematopoietic* growth factors used for stimulating whiteblood cell production, and for the treatment of proliferative disorders, namely, angiogenic disorders including cancer Class 042. First use: First Use: 0 First Use In Commerce: 0 Drug product research development services

U.S. Registration No.	5424083	Application Date	06/01/2016
Registration Date	03/13/2018	Foreign Priority Date	NONE

Word Mark	APOSPEAKS
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Design Mark	
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Description of Mark	NONE
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Goods/Services	Class 035. First use: First Use: 2016/04/01 First Use In Commerce: 2016/04/01 business management; office functions; human resources, namely, human resourcesmanagement; services rendered to meet the needs of individuals, namely, compiling and analyzing reports from individuals of potential violations to company workplace ethics rules and codes of conduct; tracking and monitoring compliance with workplace ethics rules and codes of conduct Class 045. First use: First Use: 2016/04/01 First Use In Commerce: 2016/04/01 legal services; services rendered to meet the needs of individuals, namely, reviewing standards and practices to assurecompliance with workplace safety laws and regulations, anticorruption laws, privacy laws, FDA requirements, human rights laws; tracking and monitoring regulatory requirements in the fields of workplace safety, anticorruption, privacy rights, FDA compliance and human rights for regulatory compliance purposes
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U.S. Registration No.	5099243	Application Date	03/30/2016
Registration Date	12/13/2016	Foreign Priority Date	NONE

Word Mark	AOPHARMA
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