

ESTTA Tracking number: **ESTTA959376**

Filing date: **03/11/2019**

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	Bayer HealthCare LLC
Granted to Date of previous extension	03/10/2019
Address	100 Bayer Road Pittsburgh, PA 15205 UNITED STATES

Attorney information	Phillip Barengolts Pattishall, McAuliffe, Newbury, Hilliard & Geraldson LLP 200 South Wacker Drive, Suite 2900 Chicago, IL 60606 UNITED STATES pb@pattishall.com, jae@pattishall.com, jrp@pattishall.com, pam@pattishall.com (312) 554-8000
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Applicant Information

Application No	87856849	Publication date	09/11/2018
Opposition Filing Date	03/11/2019	Opposition Period Ends	03/10/2019
Applicant	Medu Scientific Ltd Suite M-Q, 1 On Kwan Street Shatin New Territories, 000000 CHINA		

Goods/Services Affected by Opposition


Class 010. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Containers especially adapted for the disposal of medical instruments and syringes; Containers especially adapted for the disposal of medical instruments, syringes and other contaminated medical waste; Containers especially made for medical waste; Containers for medical waste; Medical devices for closing wounds; Medical devices for use in treating or diagnosing wound care management; Medical devices for use in treating or diagnosing compression therapy; Medical devices for use in treating or diagnosing chest drainage; Medical waste containers for the disposal of medical sharps; Surgical and medical apparatus and instruments for use in general surgery; Surgical apparatus and instruments; Surgical apparatus and instruments for medical, dental or veterinary use; Surgical devices and instruments; Surgical instruments and apparatus; Surgical instruments for use in electrical stimulation; Surgical instruments, namely, surgical suction apparatus

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
Dilution by blurring	Trademark Act Sections 2 and 43(c)

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	1536042	Application Date	05/05/1988
Registration Date	04/25/1989	Foreign Priority Date	NONE
Word Mark	ALEVE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 1988/04/25 First Use In Commerce: 1988/04/25 ANTI-INFLAMMATORY, ANALGESIC, AND ANTIPYRETIC PHARMACEUTICAL PREPARATIONS		

U.S. Registration No.	3287780	Application Date	02/13/2007
Registration Date	09/04/2007	Foreign Priority Date	NONE
Word Mark	ALEVE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 2000/07/31 First Use In Commerce: 2000/07/31 Pharmaceutical antitussive-cold preparations; Preparations for treating colds		

U.S. Registration No.	3719030	Application Date	05/25/2007
Registration Date	12/01/2009	Foreign Priority Date	NONE
Word Mark	ALEVE-D		

Design Mark	<h1>ALEVE-D</h1>		
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 2007/07/20 First Use In Commerce: 2007/07/20 Antitussive-cold preparations; preparations for treating colds		

U.S. Registration No.	4459303	Application Date	07/24/2013
Registration Date	12/31/2013	Foreign Priority Date	NONE
Word Mark	ALEVE		
Design Mark	<h1>ALEVE</h1>		
Description of Mark	NONE		
Goods/Services	Class 044. First use: First Use: 2010/08/27 First Use In Commerce: 2010/08/27 healthcare information services on painrelief, namely providing an online resource of information on joint, muscle andback pain, headache pain and osteoarthritis, including treatment options and tips		

U.S. Registration No.	5279528	Application Date	08/08/2016
Registration Date	09/05/2017	Foreign Priority Date	NONE
Word Mark	ALEVE		

Design Mark	<h1>ALEVE</h1>
Description of Mark	NONE
Goods/Services	Class 010. First use: First Use: 2016/06/24 First Use In Commerce: 2016/06/24 Electrical stimulation apparatus for nerves for therapeutic purposes

Attachments	77105868#TMSN.png(bytes) 77190305#TMSN.png(bytes) 86018399#TMSN.png(bytes) 87130338#TMSN.png(bytes) Notice of Opposition against ALLEVA - Serial No. 87856849.pdf(233688 bytes)
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Signature	/Jacquelyn R. Prom/
Name	Jacquelyn R. Prom
Date	03/11/2019

**UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Application Ser. No. 87/856,849: ALLEVA

BAYER HEALTHCARE LLC,)	
)	
Opposer,)	Opposition No. _____
)	
v.)	
)	
MEDU SCIENTIFIC LTD,)	
)	
Applicant.)	

NOTICE OF OPPOSITION

Bayer HealthCare LLC, a Delaware limited liability company having offices in Whippany, New Jersey, believes it will be damaged by registration of the mark identified in App. Ser. No. 87/856,849 (the “Application”) and files this notice of opposition pursuant to 37 C.F.R. § 2.104(a). The grounds for opposition are stated below.

1. Opposer and its predecessors have for many years been engaged in the manufacture, distribution, advertising and sale of products in the medical and healthcare fields, including electrical stimulation apparatuses for nerves and products for the treatment of pain, inflammation, fever, and colds.

2. Since long prior to the filing date of the Application, Opposer and its predecessors have continuously used the trademark ALEVE in commerce throughout the United States in connection with the advertising, promotion and sale of electrical stimulation apparatuses for nerves, and products for the treatment of pain, inflammation, fever and colds.

3. Opposer owns the trademark registrations shown below, all comprised of its ALEVE trademark.

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