

ESTTA Tracking number: **ESTTA974004**

Filing date: **05/15/2019**

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 Inc.
Granted to Date of previous extension	05/15/2019
Address	150 Signet Drive Toronto, ON M9L1T9 CANADA
Party who filed Extension of time to oppose	Apotex Technologies Inc. Apotex Technologies Inc.
Relationship to party who filed Extension of time to oppose	On April 1, 2019 Apotex Technologies Inc. ("ATI") was amalgamated as Apotex Inc., a corporation of Canada with an address at 150 Signet Drive, Toronto, Ontario Canada M9L1T9. Apotex Inc. became the successor in interest to ATI's trademarks and is in privity with ATI.
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 703-816-4063

**Applicant Information**

Application No	88080434	Publication date	01/15/2019
Opposition Filing Date	05/15/2019	Opposition Period Ends	05/15/2019
Applicant	Yang, Zaimao 13E, Haidianju 3 Bldg 3, No.2287, Nanhai AVE, Nanshan DIST Shenzhen, Guangdong, 518000 CHINA		

**Goods/Services Affected by Opposition**

Class 010. First Use: 2018/07/10 First Use In Commerce: 2018/07/10  
All goods and services in the class are opposed, namely: Hearing aids for the deaf; Massage apparatus; Massage apparatus and instruments; Massaging apparatus for personal use; Medical apparatus and instruments for use in surgery; Medical diagnostic instruments for the analysis of body fluids; Microdermabrasion apparatus; Moxibustion apparatus; Sex toys; Soporific pillows for insomnia; Sphygmomanometers; Vibromassage apparatus; Computerized medical recording and analysis apparatus for the diagnosis and treatment of arrhythmias; Electric massage apparatus for household


use; Electronic stimulation apparatus for nerves, skin, muscles for physical therapy purposes; High frequency electromagnetic therapy apparatus; Organoleptic diagnostic testing apparatus for medical, dental or cosmetic use

## 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
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.		

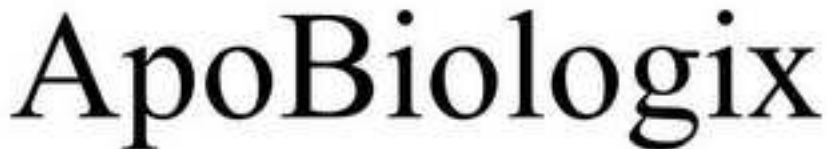
Design Mark			
Description of Mark	<p>The mark consists of the stylized figure of a human being to the left of a stylized rendering of the word "ApoBiologix" with the letters "A" and "B" presented in initial caps and the remaining letters presented in lower case lettering. Beneath separated by a horizontal 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.</p>		
Goods/Services	<p>Class 042. First use: First Use: 2014/08/18 First Use In Commerce: 2014/08/18 Drug product research development services</p>		

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	<p>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.</p>		
Goods/Services	<p>Class 042. First use: First Use: 2014/08/18 First Use In Commerce: 2014/08/18 Drug product research development services</p>		

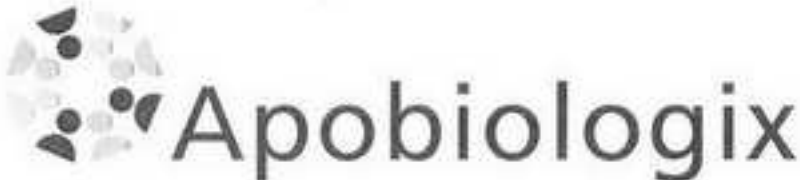
U.S. Registration No.	4989604	Application Date	02/09/2015
Registration Date	06/28/2016	Foreign Priority Date	NONE
Word Mark	APOTEX CONSUMER PRODUCTS		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 016. First use: First Use: 2013/04/00 First Use In Commerce: 2013/04/00 Printed brochures, catalogs and promotional materials in the nature of pamph-</p>		


	lets 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
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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			
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			
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 in- cluding cancer		

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