

ESTTA Tracking number: **ESTTA13564**

Filing date: **08/18/2004**

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	Nutramax Laboratories, Inc.
Granted to Date of previous extension	08/18/2004
Address	Nutramax Laboratories, Inc. 2208 Lakeside Boulevard Edgewood, MD 21040 UNITED STATES

Attorney information	Michael D. Oliver, Esq. Bowie & Jensen, LLC 29 W. Susquehanna Ave. 6th Floor Towson, MD 21204 UNITED STATES oliver@bowie-jensen.com Phone:410-583-2400
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Applicant Information

Application No	76543455	Publication date	04/20/2004
Opposition Filing Date	08/18/2004	Opposition Period Ends	08/18/2004
Applicant	AMARIN CORPORATION PLC		

Goods/Services Affected by Opposition

Class 005. First Use: First Use In Commerce:

All goods and services in the class are opposed, namely: pharmaceutical and veterinary preparations for the treatment of neurological disorders, obesity, diarrhea, allergy, headache, and pain

Attachments	Notice of Opposition.PDF (3 pages)
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Signature	/Elizabeth S. McClure/
Name	Elizabeth S. McClure, Esq.
Date	08/18/2004

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

In re Application of AMARIN)	
CORPORATION PLC)	
Serial No.: 76-543,455)	
Publication Date: April 20, 2004)	Opposition No.
Trademark: "AMARIN")	
)	
NUTRAMAX LABORATORIES, INC.)	
Opposer)	
v.)	
AMARIN CORPORATION PLC)	
Applicant)	
)	

NOTICE OF OPPOSITION

Nutramax Laboratories, Inc, Opposer, by counsel, files this Opposition to the registration on the principal register of the trademark "AMARIN", serial number 76-543,455, and alleges as follows:

1. Nutramax Laboratories, Inc. ("Nutramax") is a Maryland corporation, with its principal offices at 2208 Lakeside Boulevard, Edgewood, Maryland 21040.
2. Nutramax is a manufacturer and distributor of high quality dietary supplements manufactured under standards similar to those used in the pharmaceutical industry for both human and veterinary use. Nutramax also conducts research and development on its products.
3. Nutramax has pending trademark applications for, among others, the following trademarks relevant to this Opposition:

- a) The word "ACERIN™" for "veterinary pharmaceutical preparation for the treatment of arthritis, degenerative joint disease, connective tissue repair and joint conditions in companion animals," in International Class 5, filed on August 1, 2002 under Section 1(B) with intent to use the mark, Serial No. 78-149,664;
- b) The word "MARIN™" for "nutritional and dietary supplement for animals," in International Class 5, filed on March 12, 2004 under Section 1(B) with intent to use the mark, Serial No. 78-382,963 (description of goods amended on August 16, 2004); and
- c) The word "DENAMARIN™" for "nutritional and dietary supplement," in International Class 5, filed on March 10, 2004 under Section 1(B) with intent to use the mark, Serial No. 78-381,445.

4. Applicant has filed the following applications for registration:

- a) The word "AMARIN" for "pharmaceutical and veterinary preparations for the treatment of neurological disorders, obesity, diarrhea, allergy, headache, and pain." in International Class 5, filed on September 8, 2003 under Section 1(B) with intent to use the mark, Serial No. 76-543,455; and
- b) The word "AMARIN" (stylized with design) for "pharmaceutical and veterinary preparations for the treatment of neurological disorders, obesity, diarrhea, allergy, headache, and pain." in International Class 5, filed on September 8, 2003 under Section 1(B) with intent to use the mark, Serial No. 76-542,855.

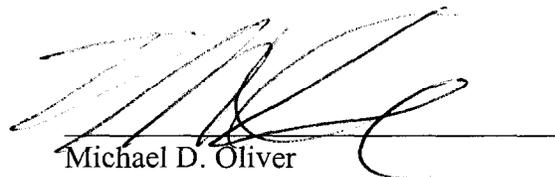
5. Upon information and belief, Applicant intends to sell and market its AMARIN products to the same or nearly the same consumers, through the same or nearly same marketing channels, and in the same trade journals and other publications intended to be used by Nutramax to market its products under its ACERIN™, MARIN™ and DENAMARIN™ marks.

6. Applicant's mark is confusingly similar to Opposer's marks, and Applicant's intended use of its mark is likely to cause confusion or mistake as to the source of goods, quality and affiliation with Opposer's goods.

WHEREFORE, Opposer requests that the registration for Applicant's mark be denied,
and that this Opposition be sustained.

Dated: August 18, 2004

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael D. Oliver", is written over a horizontal line.

Michael D. Oliver
Elizabeth S. McClure
Bowie & Jensen, LLC
29 West Susquehanna Avenue, Suite 600
Towson, Maryland 21204
(410) 583-2400