

# TTAB

BOX: TTAB FEE

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
Before the Trademark Trial and Appeal Board**

IN RE: Application No. 78/248,855  
Trademark: TEAM ENDO  
Opposer: Endo Pharmaceuticals Inc.  
Applicant: Charles Goodis  
Published: September 7, 2004  
Attorney Docket No: 0222552-0587/US1

**TRANSMITTAL - NOTICE OF OPPOSITION**

Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3513

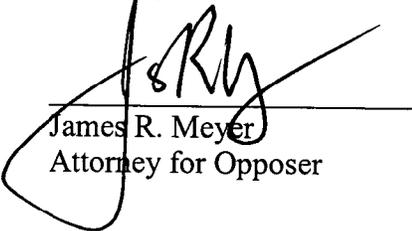
Dear Sir or Madam:

Please find enclosed:

1. Notice of Opposition - one (1) class;
2. Check in the amount of \$300;
3. Certificate of Mailing;
4. Return postcard.

Sincerely,

Date: September 29, 2004

  
\_\_\_\_\_  
James R. Meyer  
Attorney for Opposer



**BOX: TTAB FEE**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
Before the Trademark Trial and Appeal Board**

IN RE: Application No. 78/248,855  
Trademark: TEAM ENDO  
Opposer: Endo Pharmaceuticals Inc.  
Applicant: Charles Goodis  
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Attorney Docket No: 0222552-0587/US1

**NOTICE OF OPPOSITION**

Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3513

Dear Sir or Madam:

Endo Pharmaceuticals Inc., a Delaware corporation located at 100 Painters Drive, Chadds Ford, PA 19317 ("ENDO"), believes it will be damaged by the registration of the above mark and hereby opposes its registration on the Principal Trademark Register.

The grounds for its opposition are as follows:

1. ENDO and its predecessors in interest have, for more than 50 years, manufactured and marketed pharmaceutical products under the well-known ENDO name and mark.
2. ENDO is the owner by assignment of Registration No. 324,936 for ENDO (Stylized), a copy of which is attached hereto as Exhibit 1, and all of the business

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symbolized by said mark. This registration issued June 4, 1935, has been renewed and is valid and subsisting.

3. ENDO is the owner by assignment of Registration No. 2,004,648 for ENDO, a copy of which is attached hereto as Exhibit 2, and all of the business symbolized by the mark. This registration issued October 1, 1996 and is valid and subsisting.

4. ENDO is the owner of Registration No. 2,189,503 for ENDO (Stylized), a copy of which is attached hereto as Exhibit 3, and all of the business symbolized by the mark. This registration issued September 15, 1998 and is valid and subsisting.

5. ENDO is the owner of Registration No. 2,267,677 for ENDO GENERIC PRODUCTS, a copy of which is attached hereto as Exhibit 4, and all of the business symbolized by the mark. This registration issued August 11, 1998 and is valid and subsisting.

6. ENDO is the owner of Registration No. 2,317,044 for ENDO LABORATORIES, a copy of which is attached hereto as Exhibit 5, and all of the business symbolized by the mark. This registration issued August 27, 1997 and is valid and subsisting.

7. ENDO is the owner by assignment of Registration No. 1,995,948 for ENDODAN, a copy of which is attached hereto as Exhibit 6, and all of the business symbolized by the mark. This registration issued August 20, 1996 and is valid and subsisting.

ENDO is the owner by assignment of Registration No. 1,993,892 copy of which is attached hereto as Exhibit 7, and all of the business for the mark. This registration issued August 13, 1996 and is valid and

9. ENDO is the owner of Registration No. 2,411,389 for END, a copy of which is attached hereto as Exhibit 8, and all of the business the mark. This registration issued December 5, 2000 and is valid and

10. By reason of long and substantially exclusive use of the ENDO mark for pharmaceutical products as well as the above ENDO marks, the ENDO name and mark has become known as indicating products of Endo Pharmaceuticals Inc., Opposer, exclusively.

11. ENDO is well-known for its analgesic pharmaceutical preparations PERCOCET and PERCODAN, which products are often prescribed for the alleviation of pain in association with dental procedures.

12. Applicant Charles Goodis ("Applicant") has applied to register TEAM ENDO under Application Serial No. 78/248,855 for endodontic apparatus and instruments, namely, drill bits for use in dental procedures in Class 10.

13. Applicant bases the above application on its *bona fide* intention to use the mark in commerce.

14. On information and belief, Applicant has not used the TEAM ENDO mark for the goods of the application.

15. The use and registration of the TEAM ENDO mark for the goods of the application is likely to cause confusion, to cause mistake or to deceive.

16. Consumers and/or the relevant trade will be confused, believe mistakenly or be deceived into thinking that the product marketed under the TEAM ENDO mark are ENDO's products or are made by, associated with and/or sponsored by ENDO which they are not, thereby causing damage to ENDO.

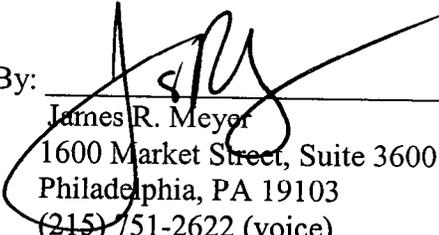
WHEREFORE, ENDO prays that its opposition be sustained and Application No. 78/248,855 be refused registration.

Respectfully submitted,

SCHNADER HARRISON SEGAL & LEWIS LLP

Dated: September 29, 2004

By: \_\_\_\_\_

  
James R. Meyer  
1600 Market Street, Suite 3600  
Philadelphia, PA 19103  
(215) 751-2622 (voice)  
(215) 972-7677 (fax)  
jmeyer@schnader.com  
(e-mail correspondence authorized)

ATTORNEYS FOR OPPOSER

**Certification Under 37 CFR 1.8**

I hereby certify that this paper or fee is being deposited with the United States Postal Service with sufficient postage as first-class mail under 37 CFR 1.8 on the date indicated below addressed to:

Commissioner for Trademarks  
Attn: TTAB FEE  
2900 Crystal Drive  
Arlington VA 22202-3514

Dated: September 29, 2004

  
\_\_\_\_\_  
Abigail Abbas



## UNITED STATES PATENT AND TRADEMARK OFFICE

## Trademark Electronic Search System (TESS)

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**Check Status** (TARR contains current status, correspondence address and attorney of record for this mark. Use the "Back" button of the Internet Browser to return to TESS)

# ENDO

Word Mark	ENDO
Goods and Services	IC 005. US 018. G & S: TABLETS FOR THE RELIEF OF PAIN. FIRST USE: 19160601. FIRST USE IN COMMERCE: 19160601
Mark Drawing Code	(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM
Serial Number	71360540
Filing Date	January 22, 1935
Change In Registration	CHANGE IN REGISTRATION HAS OCCURRED
Registration Number	0324936
Registration Date	June 4, 1935
Owner	(REGISTRANT) INTRAVENOUS PRODUCTS CO. OF AMERICA, INC. CORPORATION NEW YORK 251 FOURTH AVENUE NEW YORK CITY NEW YORK  (LAST LISTED OWNER) DUPONT MERCK PHARMACEUTICAL COMPANY, THE PARTNERSHIP ASSIGNEE OF DELAWARE DUPONT MERCK PLAZA, BUILDING 722 974 CENTRE ROAD WILMINGTON DELAWARE 19807

**Assignment Recorded** ASSIGNMENT RECORDED  
**Attorney of Record** DON M. KERR  
**Prior Registrations** 0213724;0266369;0297340  
**Type of Mark** TRADEMARK  
**Register** PRINCIPAL  
**Affidavit Text** SECT 12C.  
**Renewal** 3RD RENEWAL 19950725  
**Live/Dead Indicator** LIVE

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### Typed Drawing

Word Mark	ENDO
Goods and Services	IC 005. US 006 018 044 046 051 052. G & S: house mark for a full line of pharmaceutical preparations. FIRST USE: 19940519. FIRST USE IN COMMERCE: 19940519
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	74464554
Filing Date	December 1, 1993
Filed ITU	FILED AS ITU
Published for Opposition	September 5, 1995
Registration Number	2004648
Registration Date	October 1, 1996
Owner	(REGISTRANT) DuPont Merck Pharmaceutical Company, The composed of E.I. du Pont de Nemours and Company and Calgon Corporation, both Delaware corporations PARTNERSHIP DELAWARE 4301 Lancaster Avenue Barley Mill Plaza, Building 25 Wilmington DELAWARE 198800025  (LAST LISTED OWNER) ENDO PHARMACEUTICALS INC. CORPORATION BY ASSIGNMENT DELAWARE 233 WILMINGTON CHESTER PIKE CHADDS FORDS PENNSYLVANIA 19317
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of	

**Record** JAMES R. MEYER  
**Prior Registrations** 0324936  
**Type of Mark** TRADEMARK  
**Register** PRINCIPAL  
**Affidavit Text** SECT 15. SECT 8 (6-YR).  
**Live/Dead Indicator** LIVE

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Word Mark	ENDO
Goods and Services	IC 005. US 006 018 044 046 051 052. G & S: house mark for a full line of pharmaceutical preparations. FIRST USE: 19940519. FIRST USE IN COMMERCE: 19940519
Mark Drawing Code	(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM
Serial Number	75431737
Filing Date	February 10, 1998
Published for Opposition	June 23, 1998
Registration Number	2189503
Registration Date	September 15, 1998
Owner	(REGISTRANT) Endo Pharmaceuticals Inc. CORPORATION DELAWARE 223 Wilmington West Chester Pike Chadds Ford PENNSYLVANIA 19317
Attorney of Record	JAMES R MEYER
Prior Registrations	0324936;1993892;1995948;2004648;AND OTHERS
Type of Mark	TRADEMARK

Register PRINCIPAL  
Live/Dead LIVE  
Indicator

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### Typed Drawing

Word Mark	ENDO GENERIC PRODUCTS
Goods and Services	IC 005. US 006 018 044 046 051 052. G & S: house mark for a full line of pharmaceutical preparations. FIRST USE: 19970826. FIRST USE IN COMMERCE: 19970826
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	75347955
Filing Date	August 27, 1997
Filed ITU	FILED AS ITU
Published for Opposition	August 11, 1998
Registration Number	<b>2267677</b>
Registration Date	August 3, 1999
Owner	(REGISTRANT) Endo Pharmaceuticals Inc. CORPORATION DELAWARE P.O. Box 4144 Wilmington DELAWARE 19807
Attorney of Record	JAMES R MEYER
Prior Registrations	0324936;2004648
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "GENERIC PRODUCTS" APART FROM THE MARK AS SHOWN
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead	LIVE



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### Typed Drawing

Word Mark	ENDO LABORATORIES
Goods and Services	IC 005. US 006 018 044 046 051 052. G & S: house mark for a full line of pharmaceutical preparations. FIRST USE: 19970826. FIRST USE IN COMMERCE: 19970826
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	75347956
Filing Date	August 27, 1997
Filed ITU	FILED AS ITU
Published for Opposition	August 11, 1998
Registration Number	2317044
Registration Date	February 8, 2000
Owner	(REGISTRANT) Endo Pharmaceuticals Inc. CORPORATION DELAWARE P.O. Box 4144 Wilmington DELAWARE 19807
Attorney of Record	JAMES R MEYER
Prior Registrations	0324936;2004648
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "LABORATORIES" APART FROM THE MARK AS SHOWN
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead	LIVE



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### Check Status

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### Typed Drawing

**Word Mark** ENDODAN  
**Goods and Services** IC 005. US 006 018 044 046 051 052. G & S: pharmaceutical analgesic preparation. FIRST USE: 19940617. FIRST USE IN COMMERCE: 19940617  
**Mark Drawing Code** (1) TYPED DRAWING  
**Serial Number** 74519256  
**Filing Date** April 22, 1994  
**Filed ITU** FILED AS ITU  
**Published for Opposition** September 5, 1995  
**Registration Number** 1995948  
**Registration Date** August 20, 1996  
**Owner** (REGISTRANT) DuPont Merck Pharmaceutical Company, The composed of E. I. du Pont de Nemours and Company, a Delaware corporation, and Calgon Vestal Laboratories, Inc., (formerly known as Calgon Corporation), also a Delaware corporation and an indirectly, wholly-owned subsidiary of Merck & Co., Inc., a New Jersey corporation PARTNERSHIP DELAWARE 4301 Lancaster Pike Barley Mill Plaza, Building 25 Wilmington DELAWARE 198800025

(LAST LISTED OWNER) ENDO PHARMACEUTICALS INC. CORPORATION  
 BY ASSIGNMENT DELAWARE 223 WILMINGTON CHETER PIKE CHADDS  
 FORDS PENNSYLVANIA 19317

Assignment Recorded ASSIGNMENT RECORDED  
Attorney of Record JAMES R. MEYER  
Type of Mark TRADEMARK  
Register PRINCIPAL  
Affidavit Text SECT 15. SECT 8 (6-YR).  
Live/Dead Indicator LIVE

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### Check Status

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### Typed Drawing

**Word Mark** ENDOCET  
**Goods and Services** IC 005. US 006 018 044 046 051 052. G & S: pharmaceutical analgesic preparation. FIRST USE: 19940617. FIRST USE IN COMMERCE: 19940617  
**Mark Drawing Code** (1) TYPED DRAWING  
**Serial Number** 74519259  
**Filing Date** April 22, 1994  
**Filed ITU** FILED AS ITU  
**Published for Opposition** October 31, 1995  
**Registration Number** 1993892  
**Registration Date** August 13, 1996  
**Owner** (REGISTRANT) DuPont Merck Pharmaceutical Company, The composed of E.I. du Pont de Nemours and Company, a Delaware corporation, and Calgon Vestal Laboratories, Inc., (formerly known as Calgon Corporation), also a Delaware corporation and an indirectly, wholly-owned subsidiary of Merck & Co., Inc., a New Jersey corporation PARTNERSHIP DELAWARE 4301 Lancaster Pike Barley Mill Plaza, Building 25 Wilmington DELAWARE 198800025

(LAST LISTED OWNER) ENDO PHARMACEUTICALS INC. CORPORATION  
 BY ASSIGNMENT DELAWARE 223 WILMINGTON CHESTER PIKE  
 CHADDS FORDS PENNSYLVANIA 19317

**Assignment Recorded** ASSIGNMENT RECORDED  
**Type of Mark** TRADEMARK  
**Register** PRINCIPAL  
**Affidavit Text** SECT 15. SECT 8 (6-YR).  
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### Typed Drawing

Word Mark	ENDOCODONE
Goods and Services	IC 005. US 006 018 044 046 051 052. G & S: pharmaceutical preparations, namely analgesics. FIRST USE: 19990801. FIRST USE IN COMMERCE: 19990801
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	75708346
Filing Date	May 17, 1999
Filed ITU	FILED AS ITU
Published for Opposition	December 28, 1999
Registration Number	2411389
Registration Date	December 5, 2000
Owner	(REGISTRANT) Endo Pharmaceuticals Inc. CORPORATION DELAWARE 223 Wilmington-West Chester Pike Chadds Ford PENNSYLVANIA 19317
Attorney of Record	James R. Meyer
Prior Registrations	0324936;2189503;AND OTHERS
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE