



Attorney Docket No.: 08961.0031

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

Unomedical A/S)
(formerly Maersk Medical A/S),)
Opposer,)
v.)
Applied Diabetes Research, Inc.,)
Applicant.)

Opposition No.: _____
App. No. 76/621,415
Mark: THINSET
Published: October 25, 2005

NOTICE OF OPPOSITION

Unomedical A/S (formerly Maersk Medical A/S) ("Opposer"), a Danish corporation located and doing business at Kongevejen 2, DK-3460 Birkerod Denmark, believes that it is, or will be, damaged by registration of Application Serial No. 76/621,415 for the mark THINSET covering "syringe reservoirs for use with infusion sets for subcutaneous infusion therapeutic fluids to a patient", filed by Applied Diabetes Research, Inc., a Texas corporation located and residing at 1420 Valwood Parkway, Suite 160, Carrollton, Texas ("Applicant"), and hereby opposes same.

As grounds for the opposition, and based on information and belief, Opposer alleges that:

1. Applicant is the owner of Application Serial No. 76/621,415 for the mark THINSET covering "syringe reservoirs for use with infusion sets for subcutaneous infusion therapeutic fluids to a patient". Applicant filed its application on November 19, 2004, alleging a first use of the THINSET mark of May 30, 2003.

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2. Opposer is the owner of Registration No. 2,715,451 for the mark INSET covering "infusion set for use in connection with insulin pump treatment of diabetics" issued on May 13, 2003, claiming a foreign priority date of March 25, 2002 under the Paris Convention. Both Opposer's registration date and priority date are prior to Applicant's alleged first use date.

3. Registration No. 2,715,451 is valid and subsisting, and Opposer is currently using the INSET mark in the United States for the goods listed in its registration.

4. The goods and services set forth in Application No. 76/621,415 are competitive with or closely related to Opposer's goods marketed under the INSET mark and listed in Registration No. 2,715,451.

5. The THINSET mark fully encompasses Opposer's INSET mark and presents a similar overall commercial impression to Opposer's INSET mark.

6. In view of the similarities between the parties' marks, Applicant's mark, as applied to the goods listed in Application No. 76/621,415 so resembles Opposer's registered INSET mark that it is likely to cause confusion or to cause mistake, or to deceive in violation of the Lanham Act (15 U.S.C. § 1052(d)).

7. If Applicant is permitted to register the THINSET mark for the goods listed in Application No. 76/621,415, such registration would be a source of damage and injury to Opposer.

Wherefore, Opposer prays Application Serial No. 76/621,415 be refused; that no registration issue; and that this Opposition be sustained in favor of Opposer.

If the filing fee is found to be insufficient for any reason, please charge the deficiency to Deposit Account No. 06-0916.

Respectfully submitted,

Dated: February 7, 2006

By: 
B. Brett Heavner
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Unomedical A/S

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