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

Proceeding	91181301
Party	Defendant Biomedicure LLC
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Submission	Answer
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Date	01/28/2008
Attachments	Answer_Opp 91181301.pdf ( 5 pages )(101814 bytes )

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

In the Matter of Trademark Application  
Mark: BIOMEDICURE, International Class 005  
Date of Publication: November 27, 2007

Medicure Inc.	)	Opposition No. 91181301
	)	Serial No.: 77/045,559
Opposer,	)	
	)	
v.	)	
	)	
Biomedicure LLC	)	
	)	
Applicant.	)	

BOX TTAB – NO FEE  
Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, Virginia 22313-1451

**ANSWER**

Applicant Biomedicure LLC (hereinafter refer to as the “Applicant”), through counsel, for its Answer to Medicure Inc.’s (hereinafter refer to as the “Opposer”) Notice of Opposition (the “Notice”), alleges as follows:

1. Applicant is without information sufficient to form a belief as to the truth of the allegations set forth in paragraph 1 of the Notice, and, therefore, denies each and every such allegation.

2. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 2 of the Notice, and on that basis denies each and every allegation.

3. Applicant admits that Exhibit A purports to be a copy of the U.S. Trademark Registration No. 2,866,998, for the mark MEDICURE which registered on

July 27, 2004, in association with “pharmaceutical preparations for use in the treatment of cardiac and vascular diseases.” However, Applicant lacks knowledge or information sufficient to form a belief as to the accuracy of the recited dates and whether the registration is valid and on that basis denies each and every allegations set forth in paragraph 3 of the Notice.

4. Applicant is without information sufficient to form a belief as to the extent of Opposer’s use and the territory of its use and on that basis denies each and every allegations set forth in paragraph 4 of the Notice.

5. Applicant is without information sufficient to form a belief as to the truth of the allegations set forth in paragraph 5 of the Notice and on that basis denies each and every such allegation.

6. Applicant admits that U.S. Trademark Application Serial No. 76/615,137 is for the mark MEDICURE & Design, in association with ‘pharmaceutical preparations for use n the treatment of cardiovascular diseases,’ in class 5; ‘licensing of pharmaceutical preparations; operation of a business for others, namely, operation of a pharmaceutical research and development business,’ in class 35; and ‘patent licensing related to pharmaceutical; pharmaceutical research and development, including conducting clinical trials; providing information online relating to the research and development of pharmaceutical products for treating cardiovascular diseases,’ in class 42. Applicant admits that Opposer is the listed owner of Application Serial No. 76/615,137. Applicant admits that Application Serial No. 76/615,137 recites a filing date of October 8, 2004. Except as specifically admitted, Applicant denies each and every allegation set forth in this paragraph in its entirety.

7. Applicant is without information sufficient to form a belief as to the truth of the allegations set forth in paragraph 7 of the Notice and on that basis denies each and every such allegation.

8. Applicant is without information sufficient to form a belief as to the truth of the allegations set forth in paragraph 8 of the Notice and on that basis denies each and every such allegation.

9. Applicant admits it's the owner of U.S. Trademark Application Serial No.: 77/045,559, filed on November 16, 2006.

10. Admitted.

11. Admitted.

12. Admitted.

13. Admitted.

14. Denied.

15. Denied.

16. Denied.

17. Denied.

18. Applicant is without information sufficient to form a belief as to the truth of the allegations set forth in paragraph 18 of the Notice and on that basis denies each and every such allegation.

19. Denied.

20. Denied.

21. Denied.

22. Denied.

23. Denied.

24. Applicant admits that Exhibit A purports to be a copy of the U.S. Registration No. 2,866,998 and that the document speaks for itself, but is otherwise without information sufficient to form a belief as to the truth of the allegations set forth in paragraph 24 of the Notice, and therefore, denies each and every such allegation.

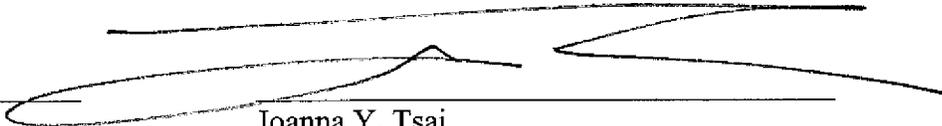
25. Applicant admits that Exhibit B purports to be a copy of the U.S. Trademark Application No. 76/615,137 and that the document speaks for itself, but is otherwise without information sufficient to form a belief as to the truth of the allegations set forth in paragraph 25 of the Notice, and therefore, denies each and every such allegation.

WHEREFORE, Applicant prays for judgment dismissing the Opposition in its entirety and that the registration be granted to Application Serial No. 77/045559.

BIOMEDICURE LLC

By its Attorney,

January 28, 2008  
Date



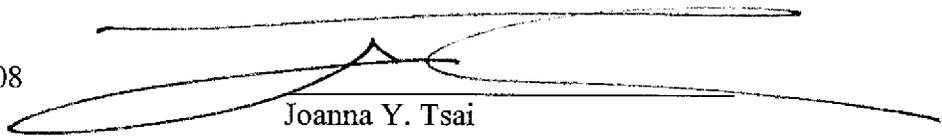
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ATTORNEY FOR APPLICANT

**CERTIFICATE OF TRANSMISSION**

I, Joanna Y. Tsai, hereby certify that a copy of the foregoing ANSWER is being electronically transmitted to the United States Patent & Trademark Office on the date indicated.

Dated: January 28, 2008



Joanna Y. Tsai

**CERTIFICATE OF SERVICE**

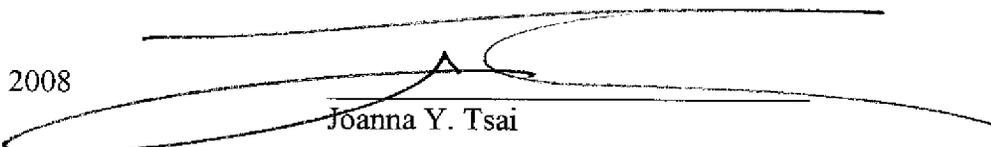
I, Joanna Y. Tsai, hereby certify that a copy of the foregoing ANSWER is being served upon the following counsel(s) listed below by first class mail, postage prepaid, on the date indicated:

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Washington, DC 20036  
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**VIA FIRST CLASS MAIL**

Respectfully submitted,

Dated: January 28, 2008



Joanna Y. Tsai