

ESTTA Tracking number: **ESTTA272704**

Filing date: **03/17/2009**

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	Abbott Laboratories
Granted to Date of previous extension	03/18/2009
Address	100 Abbott Park Road Abbott Park, IL 60064 UNITED STATES

Attorney information	Mary L. Winburn Abbott Laboratories 100 Abbott Park Road D377/AP6A Abbott Park, IL 60064-6008 UNITED STATES trademarks@abbott.com Phone:847-937-5121
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Applicant Information

Application No	77508003	Publication date	11/18/2008
Opposition Filing Date	03/17/2009	Opposition Period Ends	03/18/2009
Applicant	Targeted Medical Pharma Inc. Suite 301 2980 Beverly Glen Circle Los Angeles, CA 90077 UNITED STATES		

Goods/Services Affected by Opposition

Class 005. First Use: 2003/11/01 First Use In Commerce: 2003/11/01
All goods and services in the class are opposed, namely: Amino acids for medical or veterinary purposes; Amino acids for nutritional purposes

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	1356200	Application Date	02/01/1985
Registration Date	08/27/1985	Foreign Priority Date	NONE
Word Mark	PULMOCARE		
Design Mark			
Description of	NONE		

Mark	
Goods/Services	Class 005. First use: First Use: 1985/01/10 First Use In Commerce: 1985/01/10 LIQUID NUTRITIONAL SUPPLEMENTS FOR PULMONARY PATIENTS

Attachments	PULMOCARE - PULMONA Opposition.pdf (1 page)(14955 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Mary L. Winburn/
Name	Mary L. Winburn
Date	03/17/2009

Abbott Laboratories registration for PULMOCARE, Reg. #1356200 is used for “Liquid nutritional supplements for pulmonary patients”. Abbott Laboratories believes that use by Targeted Medical Pharma Inc. of the trademark PULMONA, Serial #77508003 for “Amino acids for medical or veterinary purposes; Amino acids for nutritional purposes” would be confusing to consumers as the marks are very similar and the goods are very similar.