

ESTTA Tracking number: **ESTTA739571**

Filing date: **04/12/2016**

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	Bayer HealthCare LLC
Granted to Date of previous extension	04/13/2016
Address	100 Bayer Boulevard Whippany, NJ 07981 UNITED STATES
Attorney information	Vanessa A. Ignacio, Esq. Lowenstein Sandler LLP 65 Livingston Avenue Roseland, NJ 07068 UNITED STATES Istrademark@lowenstein.com Phone:973-597-2500

**Applicant Information**

Application No	86705311	Publication date	12/15/2015
Opposition Filing Date	04/12/2016	Opposition Period Ends	04/13/2016
Applicant	DigestSource, LLC 3838 Tamiami Trail North, Suite 310 Naples, FL 34103 UNITED STATES		

**Goods/Services Affected by Opposition**

<p>Class 005. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Dietary and nutritional supplements; Dietary fiber for treating constipation; Dietary fiber to aid digestion; Dietary supplements; Digestives for pharmaceutical purposes; Enzyme dietary supplements; Enzyme food supplements; Enzymes for medical purposes; Multi-vitamin preparations; Nutritional supplement for eliminating toxins from the body; Nutritional supplement for eliminating toxins from the intestinal tract; Nutritional supplements; Nutritional supplements for digestion; Nutritional supplements, namely, probiotic compositions; Probiotic supplements</p>
<p>Class 044. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Providing information about dietary supplements and nutrition; Providing information in the field of nutrition; Providing information in the fields of health and wellness; Providing information, news and commentary in the field of nutrition, health and wellness</p>

**Grounds for Opposition**

Priority and likelihood of confusion	Trademark Act section 2(d)
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Dilution by blurring	Trademark Act section 43(c)
Dilution by tarnishment	Trademark Act section 43(c)

### Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	3120379	Application Date	08/05/2005
Registration Date	07/25/2006	Foreign Priority Date	NONE
Word Mark	MIRALAX		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 1996/04/23 First Use In Commerce: 1996/05/16 laxatives		

U.S. Registration No.	3412356	Application Date	02/02/2007
Registration Date	04/15/2008	Foreign Priority Date	NONE
Word Mark	MIRALAX		
Design Mark			
Description of	The mark consists of the word "MIRALAX" with two sets of swirly lines on each		

Mark	side of the word along with a shield on the top right corner.
Goods/Services	Class 005. First use: First Use: 2007/02/19 First Use In Commerce: 2007/02/19 Laxatives

U.S. Registration No.	3735254	Application Date	06/05/2009
Registration Date	01/05/2010	Foreign Priority Date	NONE

Word Mark	MIRALAX
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Description of Mark	The mark consists of a packaging label band having a purple background with a purple and pink blended circular pattern, and a white circular shape in the middle of the band. The word, "MIRALAX", is in purple, and across the white circular shape. There are two sets of purple/pink and gray swirly lines on each side of the word, "MIRALAX". There is a gray/white shield at the upper right portion of the white circular shape.
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Goods/Services	Class 005. First use: First Use: 2009/07/08 First Use In Commerce: 2009/07/08 Laxatives
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U.S. Registration No.	3735255	Application Date	06/05/2009
Registration Date	01/05/2010	Foreign Priority Date	NONE

Word Mark	MIRALAX
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Description of Mark	The mark consists of a packaging label band having a purple background with a purple and pink blended circular pattern, and a white circular shape in the middle of the band. The word, "MIRALAX", is in purple, and across the white circular shape. There are two sets of purple/pink and gray swirly lines on each side of the word, "MIRALAX". There is a gray/white shield at the upper right portion of the white circular shape.
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Goods/Services	Class 005. First use: First Use: 2009/06/03 First Use In Commerce: 2009/06/03 Laxatives		
U.S. Registration No.	4426594	Application Date	10/05/2012
Registration Date	10/29/2013	Foreign Priority Date	NONE
Word Mark	MIRALAX		
Design Mark			
Description of Mark	The mark consists of a packaging label band having a purple background with a purple and pink blended circular pattern, and a white circular shape in the middle of the band. The word "MIRALAX" is in purple, and across the white circular shape. There is a gray arced line above and below the word "MIRALAX". There is a pink dot with a white outer edge at the lower left of the white circular shape.		
Goods/Services	Class 005. First use: First Use: 2013/01/15 First Use In Commerce: 2013/01/15 Laxatives		

Attachments	78686831#TMSN.png( bytes ) 77097551#TMSN.png( bytes ) 77753735#TMSN.png( bytes ) 77753736#TMSN.png( bytes ) 85746766#TMSN.png( bytes ) MIRAZYM (Notice of Opposition for SN 86705311).pdf(1038770 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	/Vanessa A. Ignacio/
Name	Vanessa A. Ignacio, Esq.
Date	04/12/2016

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

BAYER HEALTHCARE LLC,  
Opposer,

v.

DIGESTSOURCE, LLC,  
Applicant.

Opposition No. \_\_\_\_\_

Mark: MIRAZYME

Application Serial No. 86/705,311

Filed: July 27, 2015

Published: December 15, 2015

**NOTICE OF OPPOSITION**

Bayer HealthCare LLC (“Opposer”), a Delaware limited liability company having an office at 100 Bayer Boulevard, Whippany, NJ 07981, believes it will be damaged by registration of the mark MIRAZYME as shown in Application Serial No. 86/705,311 for goods and services in International Classes 5 and 44 and files this opposition pursuant to 37 C.F.R. § 2.104.

As grounds for opposition, it is alleged that:

1. Opposer and its predecessors-in-interest have for many years been engaged in the manufacture, distribution, advertising, and sale of products in the digestive health field, including laxatives.

2. Opposer, through its predecessors-in-interest, has used the MIRALAX mark in interstate commerce in the United States in connection with laxatives and related products since at least as early as May 1996.

3. Opposer is the owner of numerous federally registered and common law trademarks incorporating the MIRALAX mark both in standard characters and with design elements (collectively, the “MIRALAX Marks”), including:

Mark	Reg. No.	Reg. Date	Goods/Services
MIRALAX	3,120,379	July 25, 2005	Laxatives, in International Class 5
	3,412,356	April 15, 2008	Laxatives, in International Class 5
	3,735,254	January 5, 2010	Laxatives, in International Class 5
	3,735,255	January 5, 2010	Laxatives, in International Class 5
	4,426,594	October 29, 2013	Laxatives, in International Class 5

4. Opposer's Registration Nos. 3,120,379 and 3,412,356 are incontestable pursuant to 15 U.S.C. § 1065.

5. Printouts of the Trademark Status and Document Retrieval Service (TSDR) database and Assignment database for the registrations of the MIRALAX Marks are attached as Exhibit A.

6. Opposer's MIRALAX Marks are highly distinctive in connection with Opposer's goods.

7. By virtue of the promotional and advertising activities of Opposer and its predecessors-in-interest, Opposer has gained for its MIRALAX Marks a valuable reputation and goodwill and has created, in the minds of consumers, an exclusive association between MIRALAX and its goods in the digestive health field.

8. Upon information and belief, DigestSource, LLC (“Applicant”) is a Delaware limited liability company having an office at 800 N. State Street, Dover DE 19901.

9. Applicant applied to register its proposed MIRAZYME mark on July 27, 2015, based on a bona fide intention to use the mark in commerce under 15 U.S.C. § 1051(b), for “Dietary and nutritional supplements; Dietary fiber for treating constipation; Dietary fiber to aid digestion; Dietary supplements; Digestives for pharmaceutical purposes; Enzyme dietary supplements; Enzyme food supplements; Enzymes for medical purposes; Multi-vitamin preparations; Nutritional supplement for eliminating toxins from the body; Nutritional supplement for eliminating toxins from the intestinal tract; Nutritional supplements; Nutritional supplements for digestion; Nutritional supplements, namely, probiotic compositions; Probiotic supplements” in International Class 5, and for “Providing information about dietary supplements and nutrition; Providing information in the field of nutrition; Providing information in the fields of health and wellness; Providing information, news and commentary in the field of nutrition, health and wellness” in International Class 44.

10. Opposer has used its MIRALAX Marks long prior to Applicant’s application filing date of July 27, 2015.

11. Applicant’s proposed MIRAZYME mark is similar in sound, appearance, meaning and commercial impression to Opposer’s MIRALAX Marks.

12. Applicant's proposed MIRAZYME mark is confusingly similar to Opposer's MIRALAX Marks.

13. Upon information and belief, Applicant's proposed mark is intended to be used for goods and services which are identical, similar, related and/or overlapping to the goods with which Opposer has used and registered its MIRALAX Marks.

14. Upon information and belief, Applicant's goods and services and Opposer's goods are likely to be offered in similar channels of trade to the same class of consumers.

15. Upon information and belief, the conditions under which and consumers to whom sales are made will be similar.

16. The MIRA- formative in the digestive health field is closely associated with the Opposer.

17. Applicant's goods and services are of the type that are within Opposer's normal and logical zone of expansion, to the extent that Applicant's goods and services do not directly overlap with Opposer's goods.

18. Opposer is also owner of application Serial No. 86/476,045, filed December 10, 2014, for the MIRAFIBER mark for "Laxatives, dietary supplements, dietary fiber to aid digestion, dietary fiber for supporting regularity," in International Class 5.

19. Opposer's MIRALAX Marks are distinctive and famous throughout the United States, and the MIRALAX Marks became famous prior to the filing of Applicant's application.

20. Applicant's use and application to register its proposed MIRAZYME mark is without Opposer's consent or permission.

21. In view of the similarities of Applicant's proposed MIRAZYME mark with Opposer's MIRALAX Marks, the similarities of the Applicant's goods and services and

Opposer's goods, and the similar or identical channels of trade and purchasers, registration of Applicant's proposed MIRAZYME mark is likely to cause confusion, or to cause mistake, or to deceive.

22. Purchasers are likely to believe that Applicant's goods and services offered under Applicant's mark are sponsored, endorsed, or approved by Opposer, or are in some way affiliated, connected or associated with Opposer and the goods offered under Opposer's MIRALAX Marks.

23. Applicant's proposed MIRAZYME mark is likely to cause dilution by blurring and dilution by tarnishment of Opposer's MIRALAX Marks and lessen the capacity of Opposer's MIRALAX Marks to distinguish and identify Opposer's goods from those of others.

WHEREFORE, for the foregoing reasons, Opposer believes it will be damaged by registration of Applicant's application for its proposed MIRAZYME mark and requests that registration is refused and this opposition is sustained.

Please charge our Deposit Account No. 501358 for the \$600.00 official filing fee. Any additional fees in connection with this opposition may also be charged to this account, and any overpayment may be credited to this account.

Respectfully submitted,

Dated: April 12, 2016

LOWENSTEIN SANDLER LLP

By: Vanessa A. Ignacio  
Vanessa A. Ignacio, Esq.  
65 Livingston Avenue  
Roseland, New Jersey 07068  
(973) 597-2500  
E-mail: LStrademark@lowenstein.com

ATTORNEYS FOR BAYER HEALTHCARE LLC

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing Notice of Opposition was served to Applicant's counsel of record at the correspondence address of record, this 12th day of April, 2016, by sending same via First Class Mail, postage prepaid to:

Jennifer L. Whitelaw  
WHITELAW LEGAL GROUP  
3838 Tamiami Trail North, Suite 310  
Naples, FL 34103

By: /Vanessa A. Ignacio/  
Vanessa A. Ignacio, Esq.

# EXHIBIT A



<b>Filed 44D:</b> No	<b>Currently 44D:</b> No	<b>Amended 44D:</b> No
<b>Filed 44E:</b> No	<b>Currently 44E:</b> No	<b>Amended 44E:</b> No
<b>Filed 66A:</b> No	<b>Currently 66A:</b> No	
<b>Filed No Basis:</b> No	<b>Currently No Basis:</b> No	

**Current Owner(s) Information**

**Owner Name:** BAYER CONSUMER CARE HOLDINGS LLC

**Owner Address:** 100 BAYER BOULEVARD  
WHIPPANY, NEW JERSEY UNITED STATES 07981

**Legal Entity Type:** LIMITED LIABILITY COMPANY      **State or Country Where Organized:** DELAWARE

**Attorney/Correspondence Information**

**Attorney of Record**

**Attorney Name:** Vanessa A. Ignacio, Esq.      **Docket Number:** 26003.3343

**Attorney Primary Email Address:** [ltrademark@lowenstein.com](mailto:ltrademark@lowenstein.com)      **Attorney Email Authorized:** Yes

**Correspondent**

**Correspondent Name/Address:** Vanessa A. Ignacio, Esq.  
Lowenstein Sandler LLP  
65 Livingston Avenue  
Roseland, NEW JERSEY UNITED STATES 07068

**Phone:** 973-597-2500      **Fax:** 973-597-2400

**Correspondent e-mail:** [ltrademark@lowenstein.com](mailto:ltrademark@lowenstein.com)      **Correspondent e-mail Authorized:** Yes

**Domestic Representative - Not Found**

**Prosecution History**

Date	Description	Proceeding Number
Feb. 25, 2016	TEAS SECTION 8 & 9 RECEIVED	
Feb. 10, 2016	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Feb. 03, 2016	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Jan. 27, 2016	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Jul. 25, 2015	COURTESY REMINDER - SEC. 8 (10-YR)/SEC. 9 E-MAILED	
Jan. 10, 2012	ATTORNEY REVOKED AND/OR APPOINTED	
Jan. 10, 2012	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Sep. 22, 2011	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Sep. 22, 2011	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 70131 ACK.	
Sep. 06, 2011		70131

	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	
Jul. 26, 2011	TEAS SECTION 8 & 15 RECEIVED	
May 18, 2011	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Dec. 31, 2009	NOTICE OF SUIT	
Apr. 20, 2007	ATTORNEY REVOKED AND/OR APPOINTED	
Apr. 20, 2007	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Dec. 20, 2006	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Jul. 25, 2006	REGISTERED-PRINCIPAL REGISTER	
May 02, 2006	PUBLISHED FOR OPPOSITION	
Apr. 12, 2006	NOTICE OF PUBLICATION	
Mar. 14, 2006	LAW OFFICE PUBLICATION REVIEW COMPLETED	68123
Mar. 03, 2006	ASSIGNED TO LIE	68123
Feb. 28, 2006	APPROVED FOR PUB - PRINCIPAL REGISTER	
Feb. 28, 2006	EXAMINER'S AMENDMENT ENTERED	88888
Feb. 28, 2006	EXAMINERS AMENDMENT E-MAILED	6328
Feb. 28, 2006	EXAMINERS AMENDMENT -WRITTEN	80807
Feb. 24, 2006	ASSIGNED TO EXAMINER	80807
Aug. 11, 2005	NEW APPLICATION ENTERED IN TRAM	

**Maintenance Filings or Post Registration Information**

**Affidavit of Continued Use:** Section 8 - Accepted

**Affidavit of Incontestability:** Section 15 - Accepted

**TM Staff and Location Information**

**TM Staff Information - None**

**File Location**

**Current Location:** TMO LAW OFFICE 115

**Date in Location:** Sep. 22, 2011

**Assignment Abstract Of Title Information - Click to Load**

**Proceedings - Click to Load**



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## Assignments on the Web > Trademark Query

### Trademark Assignment Abstract of Title

#### Total Assignments: 5

Serial #: [78686831](#)

Filing Dt: 08/05/2005

Reg #: [3120379](#)

Reg. Dt: 07/25/2006

Registrant: Braintree Laboratories, Inc.

Mark: MIRALAX

#### Assignment: 1

Reel/Frame: [3447/0654](#)

Recorded: 12/19/2006

Pages: 4

Conveyance: ASSIGNS THE ENTIRE INTEREST

Assignor: [BRAINTREE LABORATORIES, INC.](#)

Exec Dt: 10/23/2006

Entity Type: CORPORATION

Citizenship: NONE

Entity Type: CORPORATION

Citizenship: NONE

Assignee: [SCHERING-PLOUGH HEALTHCARE PRODUCTS, INC.](#)

3030 JACKSON AVENUE  
MEMPHIS, TENNESSEE 38151

Correspondent: SOPHIE B. ANGER

2000 GALLOPING HILL ROAD  
K-6-1 M1030  
KENILWORTH, NJ 07033-0530

#### Assignment: 2

Reel/Frame: [4538/0090](#)

Recorded: 05/10/2011

Pages: 12

Conveyance: CHANGE OF NAME EFFECTIVE APRIL 1, 2011

Assignor: [SCHERING-PLOUGH HEALTHCARE PRODUCTS, INC.](#)

Exec Dt: 03/29/2011

Entity Type: CORPORATION

Citizenship: DELAWARE

Entity Type: CORPORATION

Citizenship: DELAWARE

Assignee: [MSD CONSUMER CARE, INC.](#)

3030 JACKSON AVENUE  
MEMPHIS, TENNESSEE 38151

Correspondent: CLARK W. LACKERT

DICKSTEIN SHAPIRO LLP  
1633 BROADWAY  
NEW YORK, NY 10019-6708

#### Assignment: 3

Reel/Frame: [5706/0082](#)

Recorded: 01/11/2016

Pages: 12

Conveyance: CHANGE OF NAME

Assignor: [MSD CONSUMER CARE, INC.](#)

Exec Dt: 06/15/2015

Entity Type: CORPORATION

Citizenship: DELAWARE

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: DELAWARE

Assignee: [BAYER CONSUMER CARE HOLDINGS LLC](#)

100 BAYER BOULEVARD  
WHIPPANY, NEW JERSEY 07981

Correspondent: JEFFREY M. GITCHEL

100 BAYER ROAD  
PITTSBURGH, PA 15205

#### Assignment: 4

Reel/Frame: [5715/0650](#)

Recorded: 01/26/2016

Pages: 8

**Conveyance:** ASSIGNS THE ENTIRE INTEREST

**Assignor:** [BAYER CONSUMER CARE HOLDINGS LLC](#)

**Assignee:** [MIRALAX LLC](#)

100 BAYER BOULEVARD  
WHIPPANY, NEW JERSEY 07981

**Correspondent:** JEFFREY M. GITCHEL

100 BAYER ROAD  
PITTSBURGH, PA 15205

**Assignment: 5**

**Reel/Frame:** [5719/0294](#)

**Recorded:** 01/29/2016

**Pages:** 8

**Conveyance:** ASSIGNS THE ENTIRE INTEREST

**Assignor:** [MIRALAX LLC](#)

**Assignee:** [BAYER HEALTHCARE LLC](#)

100 BAYER BOULEVARD  
WHIPPANY, NEW JERSEY 07981

**Correspondent:** JEFFREY M. GITCHEL

100 BAYER ROAD  
PITTSBURGH, PA 15205

**Exec Dt:** 07/01/2015

**Entity Type:** LIMITED LIABILITY COMPANY

**Citizenship:** DELAWARE

**Entity Type:** LIMITED LIABILITY COMPANY

**Citizenship:** DELAWARE

**Exec Dt:** 07/01/2015

**Entity Type:** LIMITED LIABILITY COMPANY

**Citizenship:** DELAWARE

**Entity Type:** LIMITED LIABILITY COMPANY

**Citizenship:** DELAWARE

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Web interface last modified: July 25, 2014 v.2.5

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**Mark:** MIRALAX



**US Serial Number:** 77097551

**Application Filing Date:** Feb. 02, 2007

**US Registration Number:** 3412356

**Registration Date:** Apr. 15, 2008

**Filed as TEAS Plus:** Yes

**Currently TEAS Plus:** Yes

**Register:** Principal

**Mark Type:** Trademark

**Status:** A Sections 8 and 15 combined declaration has been accepted and acknowledged.

**Status Date:** Aug. 08, 2013

**Publication Date:** Jun. 19, 2007

**Notice of Allowance Date:** Sep. 11, 2007

## Mark Information

**Mark Literal Elements:** MIRALAX

**Standard Character Claim:** No

**Mark Drawing Type:** 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

**Description of Mark:** The mark consists of the word "MIRALAX" with two sets of swirly lines on each side of the word along with a shield on the top right corner.

**Color Drawing:** Yes

**Color(s) Claimed:** The color(s) purple and grey is/are claimed as a feature of the mark.

**Design Search Code(s):** 24.01.01 - Shields or crests (plain) with neither a figurative element nor an inscription contained therein or superimposed thereon  
26.17.09 - Lines, curved; Curved line(s), band(s) or bar(s); Bands, curved; Bars, curved

## Related Properties Information

**Claimed Ownership of US Registrations:** [2443323](#), [2982512](#), [3120379](#) and others

## Goods and Services

### Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((..)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*..\* identify additional (new) wording in the goods/services.

**For:** Laxatives

**International Class(es):** 005 - Primary Class

**U.S Class(es):** 006, 018, 044, 046, 051, 052

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Feb. 19, 2007

**Use in Commerce:** Feb. 19, 2007

**Basis Information (Case Level)**

<b>Filed Use:</b> No	<b>Currently Use:</b> Yes	<b>Amended Use:</b> No
<b>Filed ITU:</b> Yes	<b>Currently ITU:</b> No	<b>Amended ITU:</b> No
<b>Filed 44D:</b> No	<b>Currently 44D:</b> No	<b>Amended 44D:</b> No
<b>Filed 44E:</b> No	<b>Currently 44E:</b> No	<b>Amended 44E:</b> No
<b>Filed 66A:</b> No	<b>Currently 66A:</b> No	
<b>Filed No Basis:</b> No	<b>Currently No Basis:</b> No	

**Current Owner(s) Information**

**Owner Name:** BAYER CONSUMER CARE HOLDINGS LLC

**Owner Address:** 100 BAYER BOULEVARD  
WHIPPANY, NEW JERSEY UNITED STATES 07981

**Legal Entity Type:** LIMITED LIABILITY COMPANY

**State or Country Where Organized:** DELAWARE

**Attorney/Correspondence Information**

**Attorney of Record**

**Attorney Name:** Vanessa A. Ignacio, Esq.

**Docket Number:** 26003/3347

**Attorney Primary Email Address:** [lstrademark@lowenstein.com](mailto:lstrademark@lowenstein.com)

**Attorney Email Authorized:** Yes

**Correspondent**

**Correspondent Name/Address:** Vanessa A. Ignacio, Esq.  
Lowenstein Sandler PC  
65 Livingston Avenue  
Roseland, NEW JERSEY UNITED STATES 07068

**Phone:** 973-597-2500

**Fax:** 973-597-2400

**Correspondent e-mail:** [lstrademark@lowenstein.com](mailto:lstrademark@lowenstein.com)

**Correspondent e-mail Authorized:** Yes

**Domestic Representative - Not Found**

**Prosecution History**

Date	Description	Proceeding Number
Feb. 10, 2016	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Feb. 03, 2016	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Jan. 27, 2016	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Aug. 08, 2013	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Aug. 08, 2013	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	70131
Aug. 08, 2013	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	70131

Jul. 24, 2013	TEAS SECTION 8 & 15 RECEIVED	
Jan. 10, 2012	ATTORNEY REVOKED AND/OR APPOINTED	
Jan. 10, 2012	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
May 18, 2011	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Dec. 31, 2009	NOTICE OF SUIT	
Apr. 15, 2008	REGISTERED-PRINCIPAL REGISTER	
Mar. 07, 2008	LAW OFFICE REGISTRATION REVIEW COMPLETED	70138
Mar. 04, 2008	ASSIGNED TO LIE	70138
Feb. 28, 2008	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Jan. 30, 2008	STATEMENT OF USE PROCESSING COMPLETE	66154
Jan. 04, 2008	USE AMENDMENT FILED	66154
Jan. 04, 2008	TEAS STATEMENT OF USE RECEIVED	
Sep. 11, 2007	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Jun. 19, 2007	PUBLISHED FOR OPPOSITION	
May 30, 2007	NOTICE OF PUBLICATION	
May 15, 2007	WITHDRAWN FROM PUB - TQR/NON-ATTY REQUEST	74704
Apr. 10, 2007	LAW OFFICE PUBLICATION REVIEW COMPLETED	77978
Apr. 06, 2007	ASSIGNED TO LIE	77978
Mar. 15, 2007	APPROVED FOR PUB - PRINCIPAL REGISTER	
Mar. 15, 2007	ASSIGNED TO EXAMINER	77300
Feb. 07, 2007	NOTICE OF DESIGN SEARCH CODE MAILED	
Feb. 06, 2007	NEW APPLICATION ENTERED IN TRAM	

### Maintenance Filings or Post Registration Information

**Affidavit of Continued Use:** Section 8 - Accepted

**Affidavit of Incontestability:** Section 15 - Accepted

### TM Staff and Location Information

**TM Staff Information - None**

#### File Location

**Current Location:** TMEG LAW OFFICE 102

**Date in Location:** Aug. 08, 2013

### Assignment Abstract Of Title Information - [Click to Load](#)

### Proceedings - [Click to Load](#)



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## Trademark Assignment Abstract of Title

## Total Assignments: 4

Serial #: [77097551](#)

Filing Dt: 02/02/2007

Reg #: [3412356](#)

Reg. Dt: 04/15/2008

Registrant: Schering-Plough HealthCare Products, Inc

Mark: MIRALAX

## Assignment: 1

Reel/Frame: [4538/0090](#)

Recorded: 05/10/2011

Pages: 12

Conveyance: CHANGE OF NAME EFFECTIVE APRIL 1, 2011

Assignor: [SCHERING-PLOUGH HEALTHCARE PRODUCTS, INC.](#)

Exec Dt: 03/29/2011

Entity Type: CORPORATION

Citizenship: DELAWARE

Entity Type: CORPORATION

Citizenship: DELAWARE

Assignee: [MSD CONSUMER CARE, INC.](#)3030 JACKSON AVENUE  
MEMPHIS, TENNESSEE 38151Correspondent: CLARK W. LACKERT  
DICKSTEIN SHAPIRO LLP  
1633 BROADWAY  
NEW YORK, NY 10019-6708

## Assignment: 2

Reel/Frame: [5706/0082](#)

Recorded: 01/11/2016

Pages: 12

Conveyance: CHANGE OF NAME

Assignor: [MSD CONSUMER CARE, INC.](#)

Exec Dt: 06/15/2015

Entity Type: CORPORATION

Citizenship: DELAWARE

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: DELAWARE

Assignee: [BAYER CONSUMER CARE HOLDINGS LLC](#)100 BAYER BOULEVARD  
WHIPPANY, NEW JERSEY 07981Correspondent: JEFFREY M. GITCHEL  
100 BAYER ROAD  
PITTSBURGH, PA 15205

## Assignment: 3

Reel/Frame: [5715/0650](#)

Recorded: 01/26/2016

Pages: 8

Conveyance: ASSIGNS THE ENTIRE INTEREST

Assignor: [BAYER CONSUMER CARE HOLDINGS LLC](#)

Exec Dt: 07/01/2015

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: DELAWARE

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: DELAWARE

Assignee: [MIRALAX LLC](#)100 BAYER BOULEVARD  
WHIPPANY, NEW JERSEY 07981Correspondent: JEFFREY M. GITCHEL  
100 BAYER ROAD  
PITTSBURGH, PA 15205

## Assignment: 4

Reel/Frame: [5719/0294](#)

Recorded: 01/29/2016

Pages: 8

Conveyance: ASSIGNS THE ENTIRE INTEREST

**Assignor:** [MIRALAX LLC](#)

**Assignee:** [BAYER HEALTHCARE LLC](#)  
100 BAYER BOULEVARD  
WHIPPANY, NEW JERSEY 07981

**Correspondent:** JEFFREY M. GITCHEL  
100 BAYER ROAD  
PITTSBURGH, PA 15205

**Exec Dt:** 07/01/2015

**Entity Type:** LIMITED LIABILITY COMPANY

**Citizenship:** DELAWARE

**Entity Type:** LIMITED LIABILITY COMPANY

**Citizenship:** DELAWARE

Search Results as of: 04/12/2016 10:55 AM

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Web interface last modified: July 25, 2014 v.2.5

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**Mark:** MIRALAX



**US Serial Number:** 77753735

**Application Filing Date:** Jun. 05, 2009

**US Registration Number:** 3735254

**Registration Date:** Jan. 05, 2010

**Filed as TEAS Plus:** Yes

**Currently TEAS Plus:** Yes

**Register:** Principal

**Mark Type:** Trademark

**Status:** Registered. The registration date is used to determine when post-registration maintenance documents are due.

**Status Date:** Jan. 05, 2010

**Publication Date:** Aug. 04, 2009

**Notice of Allowance Date:** Oct. 27, 2009

## Mark Information

**Mark Literal Elements:** MIRALAX

**Standard Character Claim:** No

**Mark Drawing Type:** 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

**Description of Mark:** The mark consists of a packaging label band having a purple background with a purple and pink blended circular pattern, and a white circular shape in the middle of the band. The word, "MIRALAX", is in purple, and across the white circular shape. There are two sets of purple/pink and gray swirly lines on each side of the word, "MIRALAX". There is a gray/white shield at the upper right portion of the white circular shape.

**Color Drawing:** Yes

**Color(s) Claimed:** The color(s) white, pink, purple, gray is/are claimed as a feature of the mark.

**Design Search Code(s):** 24.01.01 - Shields or crests (plain) with neither a figurative element nor an inscription contained therein or superimposed thereon  
26.01.28 - Circles with irregular circumferences; Miscellaneous circular designs with an irregular circumference  
26.11.21 - Rectangles that are completely or partially shaded  
26.11.28 - Miscellaneous designs with overall rectangular shape; Rectangular shapes (miscellaneous overall shape)  
26.17.09 - Bands, curved; Bars, curved; Curved line(s), band(s) or bar(s); Lines, curved

## Related Properties Information

**Claimed Ownership of US** [2982512](#), [3120379](#), [3412356](#)

**Registrations:**

## Goods and Services

### Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*..\* identify additional (new) wording in the goods/services.

**For:** Laxatives

**International Class(es):** 005 - Primary Class

**U.S Class(es):** 006, 018, 044, 046, 051, 052

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Jul. 08, 2009

**Use in Commerce:** Jul. 08, 2009

**Basis Information (Case Level)**

<b>Filed Use:</b> No	<b>Currently Use:</b> Yes	<b>Amended Use:</b> No
<b>Filed ITU:</b> Yes	<b>Currently ITU:</b> No	<b>Amended ITU:</b> No
<b>Filed 44D:</b> No	<b>Currently 44D:</b> No	<b>Amended 44D:</b> No
<b>Filed 44E:</b> No	<b>Currently 44E:</b> No	<b>Amended 44E:</b> No
<b>Filed 66A:</b> No	<b>Currently 66A:</b> No	
<b>Filed No Basis:</b> No	<b>Currently No Basis:</b> No	

**Current Owner(s) Information**

**Owner Name:** BAYER CONSUMER CARE HOLDINGS LLC

**Owner Address:** 100 BAYER BOULEVARD  
WHIPPANY, NEW JERSEY UNITED STATES 07981

**Legal Entity Type:** LIMITED LIABILITY COMPANY

**State or Country Where Organized:** DELAWARE

**Attorney/Correspondence Information**

**Attorney of Record**

**Attorney Name:** Vanessa A. Ignacio, Esq.

**Attorney Primary Email Address:** [lstrademark@lowenstein.com](mailto:lstrademark@lowenstein.com)

**Attorney Email Authorized:** Yes

**Correspondent**

**Correspondent Name/Address:** Vanessa A. Ignacio, Esq.  
Lowenstein Sandler PC  
65 Livingston Avenue  
Roseland, NEW JERSEY UNITED STATES 07068

**Phone:** 973-597-2500

**Fax:** 973-597-2400

**Correspondent e-mail:** [lstrademark@lowenstein.com](mailto:lstrademark@lowenstein.com)

**Correspondent e-mail Authorized:** Yes

**Domestic Representative - Not Found**

**Prosecution History**

Date	Description	Proceeding Number
Feb. 10, 2016	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Feb. 03, 2016	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Jan. 27, 2016	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Jan. 10, 2012	ATTORNEY REVOKED AND/OR APPOINTED	
Jan. 10, 2012	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
May 18, 2011	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Jan. 05, 2010	REGISTERED-PRINCIPAL REGISTER	
Dec. 02, 2009	LAW OFFICE REGISTRATION REVIEW COMPLETED	70884

Dec. 02, 2009	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Nov. 19, 2009	STATEMENT OF USE PROCESSING COMPLETE	76874
Oct. 30, 2009	USE AMENDMENT FILED	76874
Nov. 19, 2009	CASE ASSIGNED TO INTENT TO USE PARALEGAL	76874
Oct. 30, 2009	TEAS STATEMENT OF USE RECEIVED	
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Jul. 15, 2009	NOTICE OF PUBLICATION	
Jun. 30, 2009	LAW OFFICE PUBLICATION REVIEW COMPLETED	70884
Jun. 30, 2009	ASSIGNED TO LIE	70884
Jun. 23, 2009	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jun. 22, 2009	ASSIGNED TO EXAMINER	81844
Jun. 11, 2009	NOTICE OF DESIGN SEARCH CODE AND PSEUDO MARK MAILED	
Jun. 10, 2009	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jun. 09, 2009	NEW APPLICATION ENTERED IN TRAM	

### [TM Staff and Location Information](#)

**TM Staff Information - None**

#### **File Location**

**Current Location:** PUBLICATION AND ISSUE SECTION

**Date in Location:** Dec. 02, 2009

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## Trademark Assignment Abstract of Title

### Total Assignments: 4

**Serial #:** [77753735](#)

**Filing Dt:** 06/05/2009

**Reg #:** [3735254](#)

**Reg. Dt:** 01/05/2010

**Registrant:** Schering-Plough Healthcare Products, Inc

**Mark:** MIRALAX

### Assignment: 1

**Reel/Frame:** [4538/0090](#)

**Recorded:** 05/10/2011

**Pages:** 12

**Conveyance:** CHANGE OF NAME EFFECTIVE APRIL 1, 2011

**Assignor:** [SCHERING-PLOUGH HEALTHCARE PRODUCTS, INC.](#)

**Exec Dt:** 03/29/2011

**Entity Type:** CORPORATION

**Citizenship:** DELAWARE

**Entity Type:** CORPORATION

**Citizenship:** DELAWARE

**Assignee:** [MSD CONSUMER CARE, INC.](#)

3030 JACKSON AVENUE  
MEMPHIS, TENNESSEE 38151

**Correspondent:** CLARK W. LACKERT  
DICKSTEIN SHAPIRO LLP  
1633 BROADWAY  
NEW YORK, NY 10019-6708

### Assignment: 2

**Reel/Frame:** [5706/0082](#)

**Recorded:** 01/11/2016

**Pages:** 12

**Conveyance:** CHANGE OF NAME

**Assignor:** [MSD CONSUMER CARE, INC.](#)

**Exec Dt:** 06/15/2015

**Entity Type:** CORPORATION

**Citizenship:** DELAWARE

**Entity Type:** LIMITED LIABILITY COMPANY

**Citizenship:** DELAWARE

**Assignee:** [BAYER CONSUMER CARE HOLDINGS LLC](#)

100 BAYER BOULEVARD  
WHIPPANY, NEW JERSEY 07981

**Correspondent:** JEFFREY M. GITCHEL  
100 BAYER ROAD  
PITTSBURGH, PA 15205

### Assignment: 3

**Reel/Frame:** [5715/0650](#)

**Recorded:** 01/26/2016

**Pages:** 8

**Conveyance:** ASSIGNS THE ENTIRE INTEREST

**Assignor:** [BAYER CONSUMER CARE HOLDINGS LLC](#)

**Exec Dt:** 07/01/2015

**Entity Type:** LIMITED LIABILITY COMPANY

**Citizenship:** DELAWARE

**Entity Type:** LIMITED LIABILITY COMPANY

**Citizenship:** DELAWARE

**Assignee:** [MIRALAX LLC](#)

100 BAYER BOULEVARD  
WHIPPANY, NEW JERSEY 07981

**Correspondent:** JEFFREY M. GITCHEL  
100 BAYER ROAD  
PITTSBURGH, PA 15205

### Assignment: 4

**Reel/Frame:** [5719/0294](#)

**Recorded:** 01/29/2016

**Pages:** 8

**Conveyance:** ASSIGNS THE ENTIRE INTEREST

**Assignor:** [MIRALAX LLC](#)

**Assignee:** [BAYER HEALTHCARE LLC](#)  
100 BAYER BOULEVARD  
WHIPPANY, NEW JERSEY 07981

**Correspondent:** JEFFREY M. GITCHEL  
100 BAYER ROAD  
PITTSBURGH, PA 15205

**Exec Dt:** 07/01/2015

**Entity Type:** LIMITED LIABILITY COMPANY

**Citizenship:** DELAWARE

**Entity Type:** LIMITED LIABILITY COMPANY

**Citizenship:** DELAWARE

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**Mark:** MIRALAX



**US Serial Number:** 77753736

**Application Filing Date:** Jun. 05, 2009

**US Registration Number:** 3735255

**Registration Date:** Jan. 05, 2010

**Filed as TEAS Plus:** Yes

**Currently TEAS Plus:** Yes

**Register:** Principal

**Mark Type:** Trademark

**Status:** Registered. The registration date is used to determine when post-registration maintenance documents are due.

**Status Date:** Jan. 05, 2010

**Publication Date:** Aug. 04, 2009

**Notice of Allowance Date:** Oct. 27, 2009

## Mark Information

**Mark Literal Elements:** MIRALAX

**Standard Character Claim:** No

**Mark Drawing Type:** 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

**Description of Mark:** The mark consists of a packaging label band having a purple background with a purple and pink blended circular pattern, and a white circular shape in the middle of the band. The word, "MIRALAX", is in purple, and across the white circular shape. There are two sets of purple/pink and gray swirly lines on each side of the word, "MIRALAX". There is a gray/white shield at the upper right portion of the white circular shape.

**Color Drawing:** Yes

**Color(s) Claimed:** The color(s) white, pink, purple, gray is/are claimed as a feature of the mark.

**Design Search Code(s):** 24.01.01 - Shields or crests (plain) with neither a figurative element nor an inscription contained therein or superimposed thereon  
 26.01.28 - Circles with irregular circumferences; Miscellaneous circular designs with an irregular circumference  
 26.11.21 - Rectangles that are completely or partially shaded  
 26.11.28 - Miscellaneous designs with overall rectangular shape; Rectangular shapes (miscellaneous overall shape)  
 26.17.09 - Bands, curved; Bars, curved; Curved line(s), band(s) or bar(s); Lines, curved

## Related Properties Information

**Claimed Ownership of US Registrations:** [2982512](#), [3120379](#), [3412356](#)

## Goods and Services

### Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (..) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*.\* identify additional (new) wording in the goods/services.

**For:** Laxatives

International Class(es): 005 - Primary Class

U.S Class(es): 006, 018, 044, 046, 051, 052

Class Status: ACTIVE

Basis: 1(a)

First Use: Jun. 03, 2009

Use in Commerce: Jun. 03, 2009

**Basis Information (Case Level)**

Filed Use: No	Currently Use: Yes	Amended Use: No
Filed ITU: Yes	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

**Current Owner(s) Information**

Owner Name: BAYER CONSUMER CARE HOLDINGS LLC

Owner Address: 100 BAYER BOULEVARD  
WHIPPANY, NEW JERSEY UNITED STATES 07981

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

**Attorney/Correspondence Information**

**Attorney of Record**

Attorney Name: Vanessa A. Ignacio, Esq.

Attorney Primary Email Address: [istrademark@lowenstein.com](mailto:istrademark@lowenstein.com)

Attorney Email Authorized: Yes

**Correspondent**

Correspondent Name/Address: Vanessa A. Ignacio, Esq.  
Lowenstein Sandler PC  
65 Livingston Avenue  
Roseland, NEW JERSEY UNITED STATES 07068

Phone: 973-597-2500

Fax: 973-597-2400

Correspondent e-mail: [istrademark@lowenstein.com](mailto:istrademark@lowenstein.com)

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

**Prosecution History**

Date	Description	Proceeding Number
Feb. 10, 2016	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
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### TM Staff and Location Information

#### TM Staff Information - None

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## Trademark Assignment Abstract of Title

### Total Assignments: 4

**Serial #:** [77753736](#)

**Filing Dt:** 06/05/2009

**Reg #:** [3735255](#)

**Reg. Dt:** 01/05/2010

**Registrant:** Schering-Plough Healthcare Products, Inc

**Mark:** MIRALAX

### Assignment: 1

**Reel/Frame:** [4538/0090](#)

**Recorded:** 05/10/2011

**Pages:** 12

**Conveyance:** CHANGE OF NAME EFFECTIVE APRIL 1, 2011

**Assignor:** [SCHERING-PLOUGH HEALTHCARE PRODUCTS, INC.](#)

**Exec Dt:** 03/29/2011

**Entity Type:** CORPORATION

**Citizenship:** DELAWARE

**Entity Type:** CORPORATION

**Citizenship:** DELAWARE

**Assignee:** [MSD CONSUMER CARE, INC.](#)  
3030 JACKSON AVENUE  
MEMPHIS, TENNESSEE 38151

**Correspondent:** CLARK W. LACKERT  
DICKSTEIN SHAPIRO LLP  
1633 BROADWAY  
NEW YORK, NY 10019-6708

### Assignment: 2

**Reel/Frame:** [5706/0082](#)

**Recorded:** 01/11/2016

**Pages:** 12

**Conveyance:** CHANGE OF NAME

**Assignor:** [MSD CONSUMER CARE, INC.](#)

**Exec Dt:** 06/15/2015

**Entity Type:** CORPORATION

**Citizenship:** DELAWARE

**Entity Type:** LIMITED LIABILITY COMPANY

**Citizenship:** DELAWARE

**Assignee:** [BAYER CONSUMER CARE HOLDINGS LLC](#)  
100 BAYER BOULEVARD  
WHIPPANY, NEW JERSEY 07981

**Correspondent:** JEFFREY M. GITCHEL  
100 BAYER ROAD  
PITTSBURGH, PA 15205

### Assignment: 3

**Reel/Frame:** [5715/0650](#)

**Recorded:** 01/26/2016

**Pages:** 8

**Conveyance:** ASSIGNS THE ENTIRE INTEREST

**Assignor:** [BAYER CONSUMER CARE HOLDINGS LLC](#)

**Exec Dt:** 07/01/2015

**Entity Type:** LIMITED LIABILITY COMPANY

**Citizenship:** DELAWARE

**Entity Type:** LIMITED LIABILITY COMPANY

**Citizenship:** DELAWARE

**Assignee:** [MIRALAX LLC](#)  
100 BAYER BOULEVARD  
WHIPPANY, NEW JERSEY 07981

**Correspondent:** JEFFREY M. GITCHEL  
100 BAYER ROAD  
PITTSBURGH, PA 15205

### Assignment: 4

**Reel/Frame:** [5719/0294](#)

**Recorded:** 01/29/2016

**Pages:** 8

**Conveyance:** ASSIGNS THE ENTIRE INTEREST

**Assignor:** [MIRALAX LLC](#)

**Assignee:** [BAYER HEALTHCARE LLC](#)  
100 BAYER BOULEVARD  
WHIPPANY, NEW JERSEY 07981

**Correspondent:** JEFFREY M. GITCHEL  
100 BAYER ROAD  
PITTSBURGH, PA 15205

**Exec Dt:** 07/01/2015

**Entity Type:** LIMITED LIABILITY COMPANY

**Citizenship:** DELAWARE

**Entity Type:** LIMITED LIABILITY COMPANY

**Citizenship:** DELAWARE

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**Mark:** MIRALAX



**US Serial Number:** 85746766

**Application Filing Date:** Oct. 05, 2012

**US Registration Number:** 4426594

**Registration Date:** Oct. 29, 2013

**Filed as TEAS Plus:** Yes

**Currently TEAS Plus:** Yes

**Register:** Principal

**Mark Type:** Trademark

**Status:** Registered. The registration date is used to determine when post-registration maintenance documents are due.

**Status Date:** Oct. 29, 2013

**Publication Date:** Feb. 26, 2013

**Notice of Allowance Date:** Apr. 23, 2013

## Mark Information

**Mark Literal Elements:** MIRALAX

**Standard Character Claim:** No

**Mark Drawing Type:** 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

**Description of Mark:** The mark consists of a packaging label band having a purple background with a purple and pink blended circular pattern, and a white circular shape in the middle of the band. The word "MIRALAX" is in purple, and across the white circular shape. There is a gray arced line above and below the word "MIRALAX". There is a pink dot with a white outer edge at the lower left of the white circular shape.

**Color Drawing:** Yes

**Color(s) Claimed:** The color(s) white, pink, purple, and gray is/are claimed as a feature of the mark.

**Design Search Code(s):** 20.03.10 - Alcohol bottle labels; Bottles, labels for alcohol bottles; Labels, alcohol bottles  
26.01.02 - Circles, plain single line; Plain single line circles  
26.03.17 - Concentric ovals; Concentric ovals and ovals within ovals; Ovals, concentric; Ovals within ovals  
26.17.09 - Bands, curved; Curved line(s), band(s) or bar(s); Bars, curved; Lines, curved

## Related Properties Information

**Claimed Ownership of US Registrations:** [3120379](#), [3735254](#), [3735255](#) and others

## Goods and Services

### Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*..\* identify additional (new) wording in the goods/services.

**For:** Laxatives

International Class(es): 005 - Primary Class

U.S Class(es): 006, 018, 044, 046, 051, 052

Class Status: ACTIVE

Basis: 1(a)

First Use: Jan. 15, 2013

Use in Commerce: Jan. 15, 2013

**Basis Information (Case Level)**

Filed Use: No	Currently Use: Yes	Amended Use: No
Filed ITU: Yes	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

**Current Owner(s) Information**

Owner Name: BAYER CONSUMER CARE HOLDINGS LLC

Owner Address: 100 BAYER BOULEVARD  
WHIPPANY, NEW JERSEY UNITED STATES 07981

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

**Attorney/Correspondence Information**

**Attorney of Record**

Attorney Name: Vanessa A. Ignacio, Esq.

Attorney Primary Email Address: [lstrademark@lowenstein.com](mailto:lstrademark@lowenstein.com)

Docket Number: 26003.5622

Attorney Email Authorized: Yes

**Correspondent**

Correspondent Name/Address: VANESSA A. IGNACIO, ESQ.  
LOWENSTEIN SANDLER PC  
65 LIVINGSTON AVE STE 2  
ROSELAND, NEW JERSEY UNITED STATES 07068-1791

Phone: 973.597.2500

Fax: 973.597.2400

Correspondent e-mail: [lstrademark@lowenstein.com](mailto:lstrademark@lowenstein.com)

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

**Prosecution History**

Date	Description	Proceeding Number
Feb. 10, 2016	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Feb. 03, 2016	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Jan. 27, 2016	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Oct. 29, 2013	REGISTERED-PRINCIPAL REGISTER	
Sep. 26, 2013	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Sep. 25, 2013	LAW OFFICE REGISTRATION REVIEW COMPLETED	68552

Sep. 25, 2013	ASSIGNED TO LIE	68552
Sep. 13, 2013	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Aug. 29, 2013	STATEMENT OF USE PROCESSING COMPLETE	65362
Jul. 26, 2013	USE AMENDMENT FILED	65362
Aug. 28, 2013	CASE ASSIGNED TO INTENT TO USE PARALEGAL	65362
Jul. 26, 2013	TEAS STATEMENT OF USE RECEIVED	
Apr. 23, 2013	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Feb. 26, 2013	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Feb. 26, 2013	PUBLISHED FOR OPPOSITION	
Feb. 06, 2013	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jan. 22, 2013	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jan. 16, 2013	ASSIGNED TO EXAMINER	88578
Oct. 13, 2012	NOTICE OF DESIGN SEARCH CODE MAILED	
Oct. 12, 2012	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Oct. 09, 2012	NEW APPLICATION ENTERED IN TRAM	

### TM Staff and Location Information

#### TM Staff Information - None

#### File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Sep. 25, 2013

### Assignment Abstract Of Title Information - [Click to Load](#)

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## Trademark Assignment Abstract of Title

### Total Assignments: 3

**Serial #:** [85746766](#)

**Filing Dt:** 10/05/2012

**Reg #:** [4426594](#)

**Reg. Dt:** 10/29/2013

**Registrant:** MSD Consumer Care, Inc.

**Mark:** MIRALAX

### Assignment: 1

**Reel/Frame:** [5706/0082](#)

**Recorded:** 01/11/2016

**Pages:** 12

**Conveyance:** CHANGE OF NAME

**Assignor:** [MSD CONSUMER CARE, INC.](#)

**Exec Dt:** 06/15/2015

**Entity Type:** CORPORATION

**Citizenship:** DELAWARE

**Entity Type:** LIMITED LIABILITY COMPANY

**Citizenship:** DELAWARE

**Assignee:** [BAYER CONSUMER CARE HOLDINGS LLC](#)

100 BAYER BOULEVARD  
WHIPPANY, NEW JERSEY 07981

**Correspondent:** JEFFREY M. GITCHEL

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PITTSBURGH, PA 15205

### Assignment: 2

**Reel/Frame:** [5715/0650](#)

**Recorded:** 01/26/2016

**Pages:** 8

**Conveyance:** ASSIGNS THE ENTIRE INTEREST

**Assignor:** [BAYER CONSUMER CARE HOLDINGS LLC](#)

**Exec Dt:** 07/01/2015

**Entity Type:** LIMITED LIABILITY COMPANY

**Citizenship:** DELAWARE

**Entity Type:** LIMITED LIABILITY COMPANY

**Citizenship:** DELAWARE

**Assignee:** [MIRALAX LLC](#)

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### Assignment: 3

**Reel/Frame:** [5719/0294](#)

**Recorded:** 01/29/2016

**Pages:** 8

**Conveyance:** ASSIGNS THE ENTIRE INTEREST

**Assignor:** [MIRALAX LLC](#)

**Exec Dt:** 07/01/2015

**Entity Type:** LIMITED LIABILITY COMPANY

**Citizenship:** DELAWARE

**Entity Type:** LIMITED LIABILITY COMPANY

**Citizenship:** DELAWARE

**Assignee:** [BAYER HEALTHCARE LLC](#)

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