

ESTTA Tracking number: **ESTTA745515**

Filing date: **05/10/2016**

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	Shire LLC
Granted to Date of previous extension	05/11/2016
Address	9200 Brookfield Court, Suite 108 Florence, KY 41042 UNITED STATES

Attorney information	I. Stephen Samuels Samuels & Hiebert LLC Two International Place, 23rd Floor Boston, MA 02110-4104 UNITED STATES hiebert@samuelsTM.com, iss@samuelstm.com Phone:617-426-9181 ext 107
----------------------	---

**Applicant Information**

Application No	86398305	Publication date	01/12/2016
Opposition Filing Date	05/10/2016	Opposition Period Ends	05/11/2016
International Registration No.	NONE	International Registration Date	NONE
Applicant	GNOSIS SPA PIAZZA DEL CARMINE, 4 MILAN, 20121 ITALY		

**Goods/Services Affected by Opposition**

Class 005. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: FOOD AND DIETARY SUPPLEMENTS
---

**Grounds for Opposition**

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

**Mark Cited by Opposer as Basis for Opposition**

U.S. Registration No.	1908092	Application Date	05/23/1994
Registration Date	08/01/1995	Foreign Priority Date	NONE

Word Mark	ADDERALL
Design Mark	
Description of Mark	NONE
Goods/Services	Class 005. First use: First Use: 1994/06/14 First Use In Commerce: 1994/06/14 pharmaceutical preparations, namely amphetamines

Attachments	Notice of Opposition - ADORAL.pdf(12335 bytes )
-------------	---

### **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	/Timothy H. Hiebert/
Name	Timothy H. Hiebert
Date	05/10/2016

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

SHIRE LLC

Opposer

v.

GNOSIS SPA

Applicant

Mark: ADORAL ORAL DISSOLVING  
TABLETS (and design)

Serial No. 86398305

Filed September 18, 2014

NOTICE OF OPPOSITION

Shire LLC, a Kentucky corporation having an address at 9200 Brookfield Court, Suite 108, Florence, Kentucky 41042 ("Opposer"), believes that it will be damaged by registration of the mark shown in the above-identified application and hereby opposes the same.

1. Since at least as early as June 14, 1994, Opposer and its predecessors have continuously used ADDERALL ("Opposer's Mark") as a trademark in the United States for pharmaceutical preparations, namely amphetamines ("Opposer's Goods").

2. Opposer is the owner of U.S. Registration No. 1908092 for Opposer's Mark covering Opposer's Goods, dated August 1, 1995 and based on an intent-to-use application filed on May 23, 1994.

3. Applicant's application Serial No. 86398305 for ADORAL ORAL DISSOLVING TABLETS and Design ("Applicant's Mark") was filed on an intent-to-use basis on September 18, 2014 (with a priority claim of September 15, 2014) and covers food and dietary supplements, in Class 5 ("Applicant's Goods").

4. Applicant's Mark so closely resembles Opposer's Mark as to be likely, when used in connection with Applicant's Goods, to cause confusion, or to cause mistake, or to deceive.

5. Opposer's Mark achieved fame prior to Applicant's priority filing date.

6. Applicant's Mark is so similar to Opposer's famous mark that Applicant's use of Applicant's Mark is likely to dilute the distinctive quality of Opposer's Mark, in violation of the anti-dilution provisions of Section 43(c) of the Lanham Act.

WHEREFORE, Opposer prays that application Serial No. 86398305 be refused, and that registration of the mark shown therein sought for the goods therein specified be denied.

Respectfully submitted,

Date: May 10, 2016

/I. Stephen Samuels /

I. Stephen Samuels  
Samuels & Hiebert LLC  
Two International Place, 23rd Floor  
Boston, MA 02110  
Tel. 617-426-9181 ext 107  
iss@samuelstm.com  
Attorney for Opposer