

ESTTA Tracking number: **ESTTA171100**

Filing date: **10/26/2007**

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

Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	Innocoll Pharmaceuticals Limited		
Entity	Corporation	Citizenship	Ireland
Address	Business and Technology Park Garycastle Athlone, County Westmeath, IRELAND		

Attorney information	Ryan J. Udell White and Williams LLP 1800 One Liberty Place Philadelphia, PA 19103 UNITED STATES udellr@whiteandwilliams.com Phone:215-864-7152		
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Registration Subject to Cancellation

Registration No	2542177	Registration date	02/26/2002
International Registration No.	NONE	International Registration Date	NONE
Registrant	COLLGARD BIOPHARMACEUTICALS LTD. Textile House 2 Koifman Street Tel-Aviv 68012, ISRAEL		

Goods/Services Subject to Cancellation

Class 005. All goods and services in the class are cancelled, namely: Pharmaceutical and veterinary preparations for use in the treatment of diseases, namely, neurological, central nervous system, rheumatic and bone, cancer, oncological, metabolic, cardiovascular, infections, immune, allergies, respiratory, ophthalmologic, dermatological, endocrine, hormonal, gastrointestinal, gynecological, hematological, hepatological and urological diseases, diseases and disorders associated with fibrosis and restenosis, and pain and wounds; veterinary vaccines for animals intended for human consumption, namely bovines, sheep, poultry, and swine; sanitizers for use in industrial, institutional and health care areas; food for medically restricted diets; baby food; medical plasters; wound, burn and surgical dressings; fungicides for agricultural and medical use; and herbicides for agricultural and medical use

Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	Petition For Cancellation.pdf (2 pages)(23985 bytes)
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Signature	/rudell/
Name	Ryan J. Udell
Date	10/26/2007

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

Innocoll Pharmaceuticals Limited
Petitioner,
v.
Collgard Biopharmaceuticals Ltd.
Registrant,

Cancellation No: _____

In the matter of: **Registration No. 2542177**
For the mark: **Collgard**
Date Registered: **February 26, 2002**

PETITION FOR CANCELLATION

Innocoll Pharmaceuticals Limited (“Petitioner”) is an Irish company with an address of Business and Technology Park, Garrycastle Athlone, County Westmeath, Ireland. Petitioner believes that it will be damaged by the above-identified registration and hereby petitions for cancellation of the registration, and states as grounds for this petition as follows:

1. Upon information and belief, the name of the current owner of the registration is Collgard Biopharmaceuticals Ltd., an Israeli corporation, with an address of Textile House 2 Koifman Street Tel Aviv 68012 Israel.
2. Registrant obtained a registration for “Collgard” in the United States pursuant to Section 44(d) of the Lanham Act on the basis of Israeli trademark registration number 128255 dated June 3, 1999.
3. On October 5, 2007, Petitioner filed an application for registration pursuant to Section 44(e) of the Lanham Act on the basis of European Community registration number 004855011, for the mark “Collaguard”, serial number 77297418, for use in connection with certain pharmaceutical products in international classes 5 and 10.

4. Upon information and belief, Registrant is not currently using the mark "Collgard" in commerce in the United States and has not used the mark in commerce in the United States since 2003. Petitioner is likely to be damaged by continued registration of the above-identified mark because if Registrant is permitted to continue to maintain its registration, continued existence of such registration would cast a cloud upon Petitioner's right to use, register and expand the use of the mark "Collaguard" in the United States (because registration of Petitioner's mark may be refused under section 2(d) of the Lanham Act for likelihood of confusion with Registrant's mark).
5. Upon information and belief, Registrant has abandoned the above-identified registered mark by discontinuing use of said mark for a period of three (3) years with no intent to resume said use. In addition, the registered mark has lost all capacity as a source indicator for Registrant's goods. Petitioner is likely to be damaged by continuance of the above-identified registration because Petitioner uses the mark Collaguard as the name of its collagen-based advanced wound care pharmaceutical product and desires to use such name in connection with the sale of such or related products in the United States, and Petitioner's use of said mark will be impaired by continued registration of said abandoned mark of Registrant.

For the foregoing reasons, Petitioner requests that registration number 2542177 be cancelled.

Respectfully submitted,



By: _____
Ryan Udell, Esquire
Attorney for Petitioner, Innocoll
Pharmaceuticals Limited

Dated: October 26, 2007