

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

In the matter of Application:
Serial No.: 76/314,612
Filed: September 18, 2001
Applicant: Animal Health Ventures, Inc.
Mark: UROCID
Published in the Official Gazette of July 16, 2002

Bioniche Life Sciences Inc.,
Opposer,
v.
Animal Health Ventures, Inc.,
Applicant.

Opposition No.

Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513
Box TTAB - Fee

NOTICE OF OPPOSITION

Bioniche Life Sciences Inc., a Canadian corporation, doing business at 231 Dundas Street East, Belleville, Ontario, Canada K8N5C2 (hereinafter "Opposer"), believes that it will be damaged by registration of the mark shown in Application Serial No. 76/314,612, filed on September 18, 2001, in the United States Patent and Trademark Office, by Animal Health Ventures, Inc. (hereinafter "Applicant"), and hereby opposes same under the provisions of Section 13 of the Trademark Act of 1946, 15 U.S.C. § 1063. A duplicate copy of this Notice of Opposition and a check in the amount of \$300 for the opposition are enclosed. Please charge any additional fees to Attorney Deposit Account 20-0531.

The grounds of opposition are as follows:

1. Opposer is a Canadian corporation, doing business at 231 Dundas Street East, Belleville, Ontario, Canada K8N5C2.
2. Upon information and belief, Applicant is a California corporation, doing business at 1844 Aberdeen Drive, Glenview, Illinois 60025.
3. Opposer has filed an application to register its UROCIDIN trademark in connection with "pharmaceuticals for the treatment of cancer of the bladder; biological preparations for the treatment of cancer of the bladder in International Class 5," Application Serial No. 75/924,536. This application has been suspended pending the receipt of the Canadian Certificate of Registration on which it is based.
4. Applicant's Application Serial No. 76/314,612 seeks registration of the term UROCID as a trademark for "veterinary medical products, namely therapeutic oral drugs for dogs in International Class 5."
5. Upon information and belief, Applicant's intent-to-use application was filed on September 18, 2001, but no Amendment to Allege Use has since been filed.
6. Opposer's Application Serial No. 75/924,536 was filed on February 22, 2000, with a foreign priority filing date of January 26, 2000, both of which precede Applicant's filing date of September 18, 2001.
7. The goods identified in Applicant's Application Serial No. 76/314,612 are highly and confusingly similar to the goods in connection with which Opposer has filed the application for its UROCIDIN mark.

FIRST CLAIM FOR RELIEF: LIKELIHOOD OF CONFUSION

8. Opposer repeats and realleges each and every allegation set forth in paragraphs 1 through 7 as if fully set forth herein.

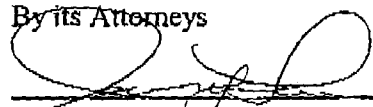
- 9. Opposer's filing date for its Application Serial No. 75/924,536 precedes Applicant's filing date and any date on which Applicant can rely.
- 10. Applicant's UROCID designation is virtually identical to Opposer's UROCIDIN mark.
- 11. The goods on which Applicant intends to use its UROCID designation are highly and confusingly similar to Opposer's goods identified under its UROCIDIN mark and corresponding Application Serial No. 75/924,536.
- 12. Applicant is not entitled to the registration that it seeks, pursuant to Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d), because the alleged trademark is likely to cause consumer confusion, to cause mistake, or to deceive consumers.
- 13. Opposer would be damaged by registration of the alleged trademark because Applicant would obtain at least a prima facie exclusive right to use a trademark that is likely to cause confusion, to cause mistake, or to deceive.

WHEREFORE, Opposer requests that the present opposition be sustained and the registration of UROCID sought by Applicant be refused.

Respectfully submitted,

BIONICHE LIFE SCIENCES INC.

By its Attorneys



 Jennifer K. Lawson
 TESTA, HURWITZ & THIBEAULT, LLP
 High Street Tower
 125 High Street
 Boston, MA 02110
 (617) 248-7820

Date: August 12, 2002

D. Michael Bean
 GOWLING LAFLEUR HENDERSON LLP
 50 Queen Street North, Suite 1020
 Kitchener, Ontario
 Canada N2H 6M2

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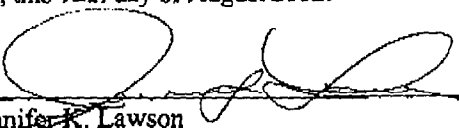
Applicant.

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2900 Crystal Drive
Arlington, VA 22202-3513
Box TTAB - Fee

CERTIFICATE OF MAILING

I HEREBY CERTIFY that this Notice of Opposition is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Trademarks, 2900 Crystal Drive, Box TTAB - Fee, Arlington, Virginia, 22202-3513, this 12th day of August 2002.


Jennifer K. Lawson
TESTA, HURWITZ & THIBEAULT, LLP
High Street Tower
125 High Street
Boston, MA 02110
(617) 248-7820

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E-Mail Lawson@tht.com

August 12, 2002

Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513

Attention: TTAB FEE

Re: UROCID
Serial No: 76/314,612
Our Ref.: GSH-631/O

Docket No: GSH-631/O
Atty Follow-up
Trademark Action:
Sept 10, 2002
Statutory deadline:
Administrator: JM
Reviewed & Approved:
OK 8/19/02
Atty Date

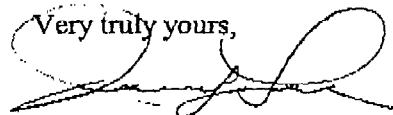
Sir or Madam:

Enclosed please find a Notice of Opposition regarding the above-referenced mark, together with a filing fee in the amount of \$300 and a duplicate copy of the Opposition as required by 37 CFR § 2.104. Any other payments should be deducted from our Deposit Account No. 20-0531. Two copies of this letter are enclosed for accounting purposes.

Please direct all correspondence relating to this Opposition to:

Attention: TRADEMARK ADMINISTRATOR
Testa, Hurwitz & Thibault, LLP
High Street Tower
125 High Street
Boston, MA 02110

Please acknowledge the receipt of these documents by date-stamping the enclosed postcard and returning it to the undersigned.

Very truly yours,

Jennifer K. Lawson

Enclosures

THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND ON WHITE PAPER

Testa, Hurwitz & Thibault, LLP
 125 High Street
 Boston, MA 02110

Fleet Bank, N.A.
 Boston, Massachusetts 02110

211161
 5-30110 Date: August 12, 2002

Pay: Three hundred and 00/100..... \$ 300.00**

PAY TO THE ORDER OF: Commissioner of Patents and Trademarks

Testa, Hurwitz & Thibault, LLP

[Signature]

65H-6316

SECURITY FEATURES INCLUDED. DETAILS ON BACK

⑆ 211161 ⑆ ⑆ 01000390512 ⑆ ⑆ 38317 ⑆

The "Received" stamp of the Trademark Office imprinted hereon acknowledges the filing of the following documents:

Cover letter (in triplicate) Notice of Opposition, duplicate copy of the Notice of Opposition, Certificate of First Class Mailing; check in the amount of \$300 and Postcard.

NAME OF APPLICANT: Animal Health Ventures, Inc.

NAME OF OPPOSER: Bioniche Life Sciences Inc.

TRADEMARK: UROCID

U.S.S.N. NO.: 76/314,612

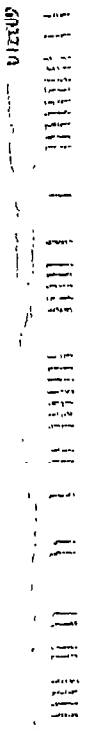
Attorney: Jennifer K. Lawson

Date of Mailing enclosed documents: August 12, 2002

JK
ATTY DOCKET NO.: GSH-631/0



08-14-2002
U.S. Patent & Trademark Service



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TELECOPY COVER SHEET

Equipment Operator Contact Number: _____ Please call if you do not receive all the pages.

Date: September 24, 2002

TO: Name: Tina Craven

Company: Commissioner for Trademarks

TTAB

Address:

Telephone:

Fax: 1 703 746 7121

FROM: Sender: Jennifer K. Lawson

Number of Pages INCLUDING This Cover Sheet: 13

Client: UROCID
Serial number 76/314,612
Our Ref.: GSH-631/O

Comments:

Attached is a copy of Notice of Opposition filed on August 12, 2002 regarding the above-mentioned trademark.

This facsimile is subject to attorney-client privilege and contains confidential information intended only for the person(s) named above. If you have received this facsimile in error, please notify us immediately by telephone and destroy the original transmission without making a copy.

Sent by _____ Date Sent _____ Time Sent _____

Received from < > at 9/24/02 10:19:17 AM [Eastern Daylight Time]