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VOORHEES, NJ
WASHINGTON, DC
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ROBERTA JACOBS-MEADWAY
DIRECT DIAL: 215-864-8201
PERSONAL FAX: 215-864-9950
JACOBSMEADWAYR@BALLARDSPAHR.COM

September 22, 2004

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

Dear Madam:

We are enclosing herewith the following documents set forth below, which are to be filed in the Patent and Trademark Office.

Please charge all government filing fees with respect to the enclosed documents to our Miscellaneous Deposit Account 02-0755.

Please charge any additional fees or credit overpayment to Miscellaneous Deposit Account 02-0755.

Sincerely,

BALLARD SPAHR ANDREWS & INGERSOLL, LLP

Roberta Jacobs-Meadway

RJM/vlm

cc: General Ledger Team

Enclosures: Notice of Opposition
By: Sexy Hair Concepts LLC
Serial No.: 76/183,043
Mark: EVIVE
Fee: $300.00
Attorney Docket No.: 889146
BOX: TTAB – FEE

PAGE 5/22 * RCVD AT 1/5/2005 2:01:31 PM [Eastern Standard Time] * SVR:USPTO-EFXRF-1/25 * DNIS:2734278 * CSID:+12158641698 * DURATION (mm-ss):06-18

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO THE COMMISSIONER FOR TRADEMARKS, 2900 CRYSTAL DRIVE, ARLINGTON, VA 22202-3513 ON THE DATE INDICATED BELOW

By: Melissa Fairbanks

DATE September 22, 2004

BOX TTAB - FEE

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

BIOGEN IDEC MA INC.	
Opposer,	
v.	Opposition No. _____
GALILEO LABORATORIES, INC.	
Applicant.	

NOTICE OF OPPOSITION

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

Dear Commissioner:

In the matter of trademark Application Serial No. 76/183,043 for the mark EVIVI; filed December 18, 2000 and published for opposition in the *Official Gazette* of July 27, 2004.

Biogen MA Inc., a Massachusetts corporation having an address of 14 Cambridge Center, Cambridge, MA. 02142, formerly Biogen, Inc. ("Biogen"), believes that it will be damaged by the registration of the mark shown in the above-identified application for the goods identified therein and hereby opposes the same. The grounds for opposition are as follows:

PAGE 6/22 * RCVD AT 1/5/2005 2:01:31 PM [Eastern Standard Time] * SVR:USPTO-EFXRF-1/25 * DNIS:2734278 * CSID:+12158641698 * DURATION (mm-ss):06-18

1. Galileo Laboratories, Inc., a California corporation ("Applicant") seeks to register EVIVE as a trademark for dietary and nutritional supplements inter alia, as evidenced by the publication of the mark in the *Official Gazette* of July 27, 2004.

2. The application herein opposed was filed December 18, 2000 on the basis of "intent to use".

3. Biogen is and has been engaged in research and consultation services in the field of biotechnology and in connection with pharmaceutical preparations for more than twenty (20) years, and has built a successful business in connection therewith.

4. Biogen has used AMEVIVE as a mark in commerce in connection with pharmaceutical preparations for use in the treatment of dermatological disorders; pharmaceutical preparations for use in the treatment of autoimmune disorders; pharmaceutical preparations for use in the treatment of inflammatory disorders; pharmaceutical preparations for use in the treatment of psoriasis since August 9, 2000. Material showing Biogen's use of the AMEVIVE mark is available at the Biogen website www.amevive.com and attached as Exhibit A.

5. Biogen has secured and is the owner of U.S. Trademark Registration No. 2,470,063 directed to the AMEVIVE mark. This registration is valid and subsisting. The pertinent information about this registration from the USPTO website is attached as Exhibit B

6. Biogen's application, Serial No. 75/514,383, which matured to registration as Registration No. 2,470,063, was filed on the basis of intent to use on July 6, 1998, so that July 6, 1998 is Biogen's priority date for its AMEVIVE registration.

7. Since Biogen is the owner of U.S. Trademark Registration No. 2,470,063, priority is not in issue.

PAGE 7/22 * RCVD AT 1/5/2005 2:01:31 PM [Eastern Standard Time] * SVR:USPTO-EFXRF-1/25 * DNIS:2734278 * CSID:+12158641698 * DURATION (mm-ss):06-18

8. Biogen's AMEVIVE mark is inherently distinctive as applied to Biogen's pharmaceutical preparations.

9. By virtue of Biogen's continuous use in commerce of its AMEVIVE mark as shown in Exhibit A in connection with such pharmaceutical preparations, such pharmaceutical preparations have become well and favorably known to the relevant trade and public under such mark.

10. In the application herein opposed, there are no restrictions on trade channels, so it must be assumed that the goods identified in the application will travel through all trade channels appropriate for goods of that type.

11. Applicant's mark is confusingly similar to Biogen's AMEVIVE mark in sound and appearance and commercial impression. Applicant's mark appropriates five of the seven letters of Opposer's mark and is identical to the terminal portion of Opposer's mark. The two marks are such as are pronounced in a similar manner, i.e. "am-a-veev" and "a-veev".

12. Biogen's and Applicant's goods are closely related, namely Biogen's pharmaceutical preparations for the treatment of inflammatory disorders and Applicant's supplements. While the precise nature of the supplements is not set forth in the application opposed, no indications are excluded. Supplements generally include preparations directed to Applicant's cardiovascular health and inflammatory disorders. Applicant's website http://www.galileolabs.com/news_pr_061599.html indicates that it in fact offers supplements for conditions which are related to those identified in Biogen's registration for its AMEVIVE preparation.

13. The pharmaceutical preparations identified in the application herein opposed are such as are customarily sold and marketed through overlapping channels of trade as

PAGE 8/22 * RCVD AT 1/5/2005 2:01:31 PM [Eastern Standard Time] * SVR:USPTO-EFXRF-1/25 * DNIS:2734278 * CSID:+12158641698 * DURATION (mm-ss):06-18

Biogen employs. Therefore, Applicant's goods are such as will travel through the same and overlapping channels of trade as Biogen's.

14. Applicant's EVIVE trademark as applied to the goods set forth in the application herein opposed so resembles Biogen's AMEVIVE mark for Biogen's pharmaceutical preparations that it is likely to cause confusion, mistake, and/or deception.

15. If Applicant is permitted to register EVIVE for the goods set forth in the application herein opposed, confusion of the relevant trade and public is likely to result, which is likely to damage and injure Biogen and patients who may be subject to medication error.

16. Physicians, pharmacists and others in the relevant public are likely to misapprehend Applicant's mark as AMEVIVE and/or believe in error that goods offered under the EVIVE mark are offered by or in association with or under license from Biogen.

17. Any defect, objection to or fault found with Applicant's goods sold under the mark EVIVE would necessarily reflect on and seriously injure the reputation that Biogen has established for its pharmaceutical preparations.

18. Biogen previously objected to registration of the mark of the application herein opposed, and Applicant represented in writing that it would withdraw the application. Applicant has subsequently proceeded in breach of its commitment as set out in the communications attached as Exhibit C.

19. If Applicant is granted a registration for the mark herein opposed, it would obtain thereby at least a prima facie exclusive right to use the mark. Such registration would be a source of damage and injury to Biogen.

WHEREFORE, Biogen prays that registration of the mark of Application Serial No. 76/183,043 for the goods identified therein be refused and that this Opposition be sustained.

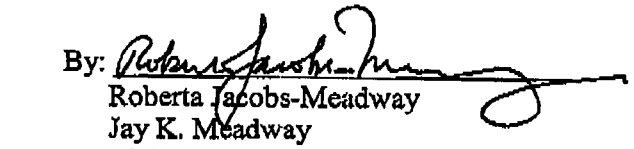
A duplicate copy of this Notice of Opposition is enclosed herewith.

PAGE 9/22 * RCVD AT 1/5/2005 2:01:31 PM [Eastern Standard Time] * SVR:USPTO-EFXRF-1/25 * DNIS:2734278 * CSID:+12158641698 * DURATION (mm-ss):06-18

The $300.00 filing fee for this Opposition may be charged to Deposit Account No. 02-0755. 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: September 22, 2004

By: 

Roberta Jacobs-Meadway
Jay K. Meadway
Richard E. Peirce
BALLARD SPAHR ANDREWS & INGERSOLL, LLP
1735 Market Street – 51st Floor
Philadelphia, PA 19103
(215) 665-8500

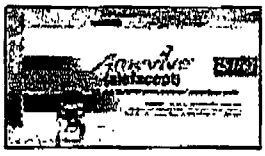
ATTORNEYS FOR OPPOSER

PAGE 10/22 * RCVD AT 1/5/2005 2:01:31 PM [Eastern Standard Time] * SVR:USPTO-EFXRF-1/25 * DNIS:2734278 * CSID:+12158641698 * DURATION (mm-ss):06-18

EXHIBIT A

Biogen's Use of AMEVIVE Mark

PAGE 11/22 * RCVD AT 1/5/2005 2:01:31 PM [Eastern Standard Time] * SVR:USPTO-EFXRF-1/25 * DNIS:2734278 * CSID:+12158641698 * DURATION (mm-ss):06-18



AMEVIVE® (alefacept)

AMEVIVE is indicated for the treatment of moderate-to-severe chronic plaque psoriasis in adults who are candidates for systemic therapy or phototherapy. The treatment is administered via IM injection once per week for 12 doses.

Important Safety Information

AMEVIVE® reduces the number of T cells, which are one of the body's ways to fight off cancer and infections. This could increase the possibility of getting cancer and serious infections. Before taking AMEVIVE, be sure to tell your doctor if you have had cancer or a serious infection.

Among 1,357 patients treated in clinical studies, 25 patients were diagnosed with 35 cancers. 23 were skin cancers and 3 were cancers of the lymph system. There were 19 patients (1.5%) who experienced serious infections. The most frequent infections were wound infections (4) and pneumonia (3).

During and after taking AMEVIVE, if you notice anything unusual about your health or any signs of infection such as swollen glands, fever or chills, notify your doctor right away.

Because AMEVIVE reduces the number of T cells, you should have a blood test every week during the dosing period to check your T cell levels. If your T cell levels are too low, your physician will not begin treatment with AMEVIVE, and will either postpone or stop treatment with AMEVIVE altogether.

AMEVIVE should not be taken if you are known to be allergic to AMEVIVE or any of its components, since serious allergic reactions such as hives, with or without swelling of the mouth and tongue, have been seen.

It has been reported that some patients treated with AMEVIVE have had serious liver injury. Talk to your doctor if you have persistent nausea, loss of appetite, fatigue, vomiting, stomach pain, yellowing of the skin or eyes, easy bruising, dark urine or pale stools.

Commonly observed side effects that occurred in clinical studies more frequently with AMEVIVE included: sore throat, dizziness, increased cough, nausea, itching, muscle aches, chills, injection site pain, injection site inflammation, and accidental injury. If you become pregnant while taking AMEVIVE, or within eight weeks of finishing AMEVIVE, tell your doctor and consider enrolling in the Pregnancy Registry by calling 1-866-AMEVIVE.

HOME

CONSIDERING AMEVIVE

DURING Your Treatment

AFTER Your Treatment

MORE INFORMATION

About AMEVIVE
- How Does AMEVIVE Work?
- Before and After Photos
- Clinical Studies
- Interview with an AMEVIVE Coordinator
- AMEVIVE Patient Perspectives

Psoriasis Facts

Ready to make a change? Talk to your dermatologist about AMEVIVE.

MEDICARE ELIGIBILITY

Did you know that AMEVIVE is currently the only therapy in its class that is eligible for Medicare coverage? Call 1-866-AMEVIVE or ask your dermatologist about Medicare coverage today.

About AMEVIVE

Printer-friendly page Email this page

AMEVIVE is the first biologic approved by the FDA for the treatment of moderate to severe chronic plaque psoriasis in adults who are candidates for systemic therapy or phototherapy. AMEVIVE is a prescription medication that is injected by your doctor (15 mg IM, into the muscle) once a week, for a total of 12 doses.

Looking beneath the surface of chronic plaque psoriasis

Psoriasis starts on the inside, in your immune system, and appears on the outside as red, itchy, scaly, sometimes painful plaques. AMEVIVE is designed to act on the inside by targeting one of the causes of chronic plaque psoriasis, so outside your symptoms may become more manageable.

In this section:

- How Does AMEVIVE Work?
- Before and After Photos
- Clinical Studies
- Interview with an AMEVIVE Coordinator
- AMEVIVE Patient Perspectives

Important Safety Information About AMEVIVE®

FIND A DERMATOLOGIST

Looking for a Dermatologist familiar with AMEVIVE? Click here to find one near you.

FREE MEMBERSHIP

Join AMEVIVE.com today and get the full benefits of membership including email updates.

Go

EMAIL SIGN UP

Get the latest news and advice in your inbox -- free!
Your Email:

Sign Up

biogen idec

AMEVIVE.COM is a service provided by Biogen Idec ©2002, 2003, 2004 Biogen Idec. All rights reserved.

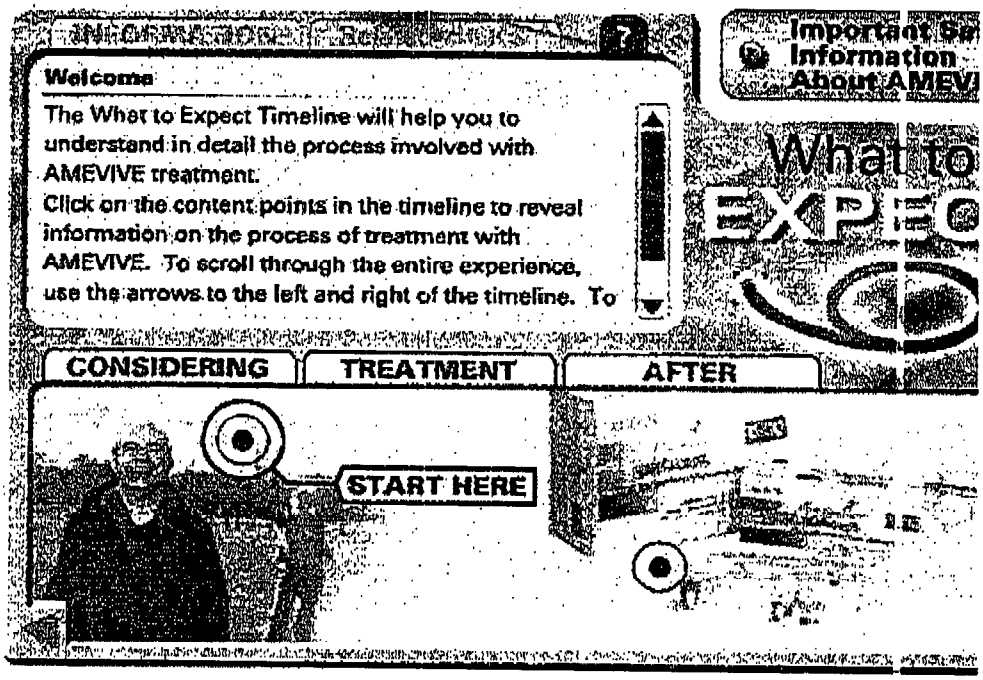
This site is intended for residents of the United States, Puerto Rico, and US territories. AMEVIVE.com is a VeriSign secure site.

Amevive (alefacept)

Information. Treatment. Support.

SIGN IN
REGISTER
HEALTHCARE PROFESSIONAL

EVENTS | FIND A DERMATOLOGIST



- AMEVIVE
  - Is AMEVIVE Right for Me?
  - What Is The Treatment Process ?
  - When Do Results Appear?
  - AMEVIVE and Pregnancy
  - Will My Insurance Cover Treatment?
  - How Much Improvement is Possible?
  - Questions to Ask Your Doctor
  - AMEVIVE Start Assistance Program
  - What to Expect Timeline (Considering)
  - Jump Start Kit
- Your Treatment
- Your Treatment
- MORE INFORMATION

Considering AMEVIVE

Printer-friendly page | Email this page

With many ways to treat moderate to severe chronic plaque psoriasis - including topical medications, phototherapy, and various oral and injectable treatments - it's not easy to know which might help.

AMEVIVE may be the right choice for some. Here, you'll find resources to help you - and your dermatologist - decide if AMEVIVE is right for you.

- Is AMEVIVE Right for Me?
- What Is the Treatment Process?
- How Much Improvement is Possible?
- When Do Results Appear?
- AMEVIVE and Pregnancy
- Will My Insurance Cover Treatment?
- Questions To Ask Your Doctor
- Jump Start Kit

The answers should give you and your dermatologist a good start toward knowing if you might consider treatment with AMEVIVE.

Ready to make a change? Talk to your dermatologist about AMEVIVE.

MEDICARE ELIGIBILITY

Did you know that AMEVIVE is currently the only therapy in its class that is eligible for Medicare coverage? Call 1-866-AMEVIVE or ask your dermatologist about Medicare coverage today.

What to Expect INTERACTIVE TIMELINE

Can't see the timeline? Download the Macromedia Flash Player or click Go to view a text version of the What to Expect Timeline

GET MACROMEDIA FLASH PLAYER

FIND A DERMATOLOGIST

Looking for a Dermatologist familiar with AMEVIVE? Click here to find one near you

WARNINGS

Fatal Infusion Reactions:
Deaths have occurred within 24 hours of Rituximab infusion, an essential component of the ZEVALIN therapeutic regimen. These fatalities were associated with an infusion reaction symptom complex that included hypoxia, pulmonary infiltrates, acute respiratory distress syndrome, myocardial infarction, ventricular fibrillation, or cardiogenic shock. Approximately 80% of fatal infusion reactions occurred in association with the first Rituximab infusion (See WARNINGS and ADVERSE REACTIONS). Patients who develop severe infusion reactions should have Rituximab, In-111 ZEVALIN, and Y-90 ZEVALIN infusions discontinued and receive medical treatment.

Prolonged and Severe Cytopenias:
Y-90 ZEVALIN administration results in severe and prolonged cytopenias in most patients. The ZEVALIN therapeutic regimen should not be administered to patients with ≥25% lymphoma marrow involvement and/or impaired bone marrow reserve (See ADVERSE REACTIONS and CLINICAL STUDIES).

Dosing

- The prescribed, measured, and administered dose of Y-90 ZEVALIN should not exceed the absolute maximum allowable dose of 32.0 mCi (1,184 MBq).
- Y-90 ZEVALIN should not be administered to patients with altered biodistribution as determined by imaging with In-111 ZEVALIN.

In-111 ZEVALIN and Y-90 ZEVALIN are radiopharmaceuticals and should be used only by physicians and other professionals qualified by training and experienced in the safe use and handling of radionuclides.

Please consult full prescribing information for Zevalin and Rituximab, including their respective Boxed WARNINGS

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See disclaimer and privacy policy for information pertaining to this site.

EXHIBIT B

Biogen's Registered Trademark AMEVIVE

PAGE 16/22 * RCVD AT 1/5/2005 2:01:31 PM [Eastern Standard Time] * SVR:USPTO-EFXRF-1/25 * DNIS:2734278 * CSID:+12158641698 * DURATION (mm-ss):06-18

Thank you for your request. Here ~~are~~ the latest results from the TARR web server.

This page was generated by the TARR system on 2004-09-13 14:37:06 ET

Serial Number: 75514383

Registration Number: 2470063

Mark (words only): AMEVIVE

Standard Character claim: No

Current Status: Registered.

Date of Status: 2001-07-17

Filing Date: 1998-07-06

Transformed into a National Application: No

Registration Date: 2001-07-17

Register: Principal

Law Office Assigned: LAW OFFICE 115

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 900 -Warehouse (Newington)

Date In Location: 2002-11-13

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Biogen, Inc.

Address:
Biogen, Inc.
14 Cambridge Center
Cambridge, MA 02142
United States
Legal Entity Type: Corporation
State or Country of Incorporation: Massachusetts

GOODS AND/OR SERVICES

International Class: 005
Pharmaceutical preparations for use in the treatment of dermatological disorders; pharmaceutical preparations for use in the treatment of autoimmune disorders; pharmaceutical preparations for use in the treatment of inflammatory disorders; pharmaceutical preparations for use in the treatment psoriasis
First Use Date: 2000-08-29

First Use in Commerce Date: 2000-06-29

Basis: 1(a)

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2004-03-25 - PAPER RECEIVED

2001-07-17 - Registered - Principal Register

2001-02-20 - Correspondence Received In Law Office

2001-02-22 - Allowed for Registration - Principal Register (SOU accepted)

2001-01-25 - Non-final action mailed

2001-01-23 - Case file assigned to examining attorney

2001-01-17 - Statement of use processing complete

2000-09-18 - Amendment to Use filed

2001-01-10 - Extension 1 granted

2000-03-02 - Extension 1 filed

1999-09-21 - Notice of allowance - mailed

1999-06-29 - Published for opposition

1999-06-01 - Notice of publication

1999-03-24 - Approved for Pub - Principal Register (Initial exam)

1999-03-09 - Case file assigned to examining attorney

CONTACT INFORMATION

Correspondent
Timothy H. Hiebert (Attorney of record)

TIMOTHY H. HIEBERT

SAMUELS, GAUTHIER, STEVENS & REPPERT
225 FRANKLIN STREET, SUITE 3300
BOSTON, MA 02110

EXHIBIT C

MORRISON & FOERSTER LLP

ATTORNEYS AT LAW

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TELEPHONE (415) 268-7000
TELEFACSIMILE (415) 268-7522

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BRUSSELS
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HONG KONG
SINGAPORE
TOKYO

October 18, 2002

Writer's Direct Contact
(415) 268-6810
RTarlton@mofo.com

By Facsimile and U.S. Mail

Roberta Jacobs-Meadway, Esq.
Ballard, Spahr, Andrews & Lingersoll
1735 Market Street, 51th Floor
Philadelphia, PA 19103-7599

Re: EVIVE by Galileo Laboratories, Inc.
Our Reference No. 34639-2400700

Dear Ms. Jacobs-Meadway:

After further discussion and consideration of your draft settlement agreement, Galileo Laboratories Inc. ("Galileo") has decided that it cannot accept the limitations that you are seeking in that agreement, in part, because it simply cannot agree to the definition of auto-immune. Moreover, Galileo is not willing to sign any agreement that does not include restrictions on your client's part, including an agreement not to oppose or otherwise object to the E-VIVE mark and a further agreement to refrain from use of AMEVIVE on or in connection with nonprescription pharmaceuticals or nutritional supplements. Rather than continue to spend time and fees in further negotiation of this agreement, I have been authorized to inform you that Galileo will refrain from using the EVIVE mark on or in connection with any goods, and will withdraw its EVIVE applications and registrations around the world. Galileo reserves the right, however, to proceed with its use of the E-VIVE mark and prosecution of applications for the E-VIVE around the world. Galileo also will not agree to limit the goods and/or services with which the E-VIVE mark can be used. As set forth in detail in my earlier correspondence, it is our view the EVIVE mark was quite distinct from your client's AMEVIVE mark. The addition of the hyphen in E-VIVE provides more than adequate

PAGE 21/22 * RCVD AT 1/5/2005 2:01:31 PM [Eastern Standard Time] * SVR:USPTO-EFXRF-1/25 * DNIS:2734278 * CSID:+12158641698 * DURATION (mm-ss):06-18

MORRISON & FOERSTER LLP

additional differentiation between the marks and we believe that this concession on the part of Galileo should more than satisfy your client in this matter.

Very truly yours,

Rosemary S. Tarlton

sf-1388019

LAW OFFICES
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PHILADELPHIA, PENNSYLVANIA 19103-7599
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FAX: 215-864-8999
WWW.BALLARDSPAHR.COM

BALTIMORE, MD
DENVER, CO
SALT LAKE CITY, UT
VOORHEES, NJ
WASHINGTON, DC
WILMINGTON, DE

PLEASE DELIVER AS SOON AS POSSIBLE TO:

RECIPIENT	COMPANY	FAX NO.	PHONE NO.
M. Tyson	PTO	571-273-4278	

From: Valerie Morman,
Secretary to Roberta Jacobs-Meadway
Phone: (215) 864-8779
Fax: (215) 864-9950
E-mail: jacobsmeadwayr@ballardspahr.com

Date: January 5, 2005
Matter: 889146

Total number of pages including this page: **22**
If you do not receive all the pages, please call 215-864-8691

RE: SN# 76/183,043

Per your conversation today with Christine Jensen, attached is the following:

1. A copy of the Notice of Opposition filed with the PTO 9/22/04;
2. A copy of the postcard returned from the PTO with a sticker date of 9/24/04 (which, of course, is proof that the Notice was received at the PTO Offices in proper filing time);
3. A copy of the Latest Status Info from the PTO website, showing no record of our Notice of Opposition.

Also, please note that the $300.00 fee was deducted from our deposit account.

Please let me know if you need anything further.

Please Note: The information contained in this facsimile message is privileged and confidential and is intended only for the use of the individual or entity named above and others who have been specifically authorized to receive it. If you are not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received the communication in error, or if any problems occur with transmission, please notify us immediately by telephone. Thank you.

TRADEMARK RETURN POSTCARD

ATTY RLM SECY. VLM DATE 9/22/04 ATTY DOCKET NO. 889146

~~CERT OF MAIL/CERT OF SERVICE/EXPRESS MAIL LABEL NO.~~ _____

~~TM AP/REG/OPP/CANC #~~ _____

OF: Bioteq Amer. D.E.C.

FOR: _____

RECEIPT IS ACKNOWLEDGE BY THE USPTO FOR THE FOLLOWING:

___TRADEMARK APPLICATION: __USE __ITU
___SPECIMENS ___DRAWING PAGE
___RENEWAL APPLICATION
___AFF/DEC 8 / 15 / 8&15
___AMEND TO ALLEGE USE
___STATEMENT OF USE
___REQ.EXT. TIME FOR SOU
___FOREIGN REG _____TRANSLATION
_____COUNTRY_____REG. NO.
___AMEND/REQ. RECONSIDERATION

___RESPONSE TO ACTION
___TR
___AS
___NO
✓NO
___PE
___RE
___PE
___APPOINT DOMESTIC REPRESENTATIVE
___REVOC/APPT. OF ATTORNEY

09-24-2004
U.S. Patent & TMOfc/TM Mail Rcpt Dt. #1

OTHER (PAPER TITLE)_____

FEE AUTH CHARGE B.S.A.I. DEPOSIT. ACCT. #02-0755 $ $300.00

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2005-01-05 12:16:38 ET

Serial Number: 76183043

Registration Number: (NOT AVAILABLE)

Mark (words only): EVIVE

Standard Character claim: No

Current Status: Extension Of Time To Oppose Process - Terminated

Date of Status: 2004-12-25

Filing Date: 2000-12-18

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 108

Attorney Assigned:
COFIELD JULIA HARDY Employee Location

Current Location: 650 -Publication And Issue Section

Date In Location: 2004-09-24

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Galileo Laboratories, Inc.

Address:
Galileo Laboratories, Inc.
5301 Patrick Henry Drive
Santa Clara, CA 95054
United States
Legal Entity Type: Corporation
State or Country of Incorporation: California

GOODS AND/OR SERVICES

International Class: 001
NUTRITIONAL INGREDIENTS USED IN THE MANUFACTURE OF FOOD PRODUCTS AND BEVERAGES
First Use Date: (DATE NOT AVAILABLE)
First Use In Commerce Date: (DATE NOT AVAILABLE)

Basis: 1(b)

International Class: 005
DIETARY AND NUTRITIONAL FOOD SUPPLEMENTS; FOODS FOR MEDICALLY RESTRICTED DIETS
First Use Date: (DATE NOT AVAILABLE)
First Use in Commerce Date: (DATE NOT AVAILABLE)

Basis: 1(b)

ADDITIONAL INFORMATION

PAGE 3/22 * RCVD AT 1/5/2005 2:01:31 PM [Eastern Standard Time] * SVR:USPTO-EFXRF-1/25 * DNIS:2734278 * CSID:+12158641698 * DURATION (mm-ss):06-18

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2004-12-25 - Extension Of Time To Oppose Process - Terminated

2004-08-12 - Extension Of Time To Oppose Received

2004-07-27 - Published for opposition

2004-07-07 - Notice of publication

2004-04-26 - Approved for Pub - Principal Register (Initial exam)

2003-12-05 - Communication received from applicant

2003-12-30 - Case File in TICRS

2003-12-05 - PAPER RECEIVED

2003-06-04 - Non-final action mailed

2002-11-14 - Final refusal mailed

2002-08-08 - Communication received from applicant

2002-02-14 - Communication received from applicant

2002-07-15 - Reinstated

2002-01-17 - Abandonment - Failure to respond

2001-11-30 - Communication received from applicant

2001-05-31 - Non-final action mailed

2001-05-30 - Case file assigned to examining attorney

2001-04-26 - Case file assigned to examining attorney

2001-04-19 - Case file assigned to examining attorney

2001-04-13 - Case file assigned to examining attorney

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