

ESTTA Tracking number: **ESTTA91511**

Filing date: **07/25/2006**

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	Menper Distributors Inc.		
Entity	Corporation	Citizenship	Florida
Address	6500 N.W. 35th Ave. Miami, FL 33147 UNITED STATES		

Attorney information	Jesus Sanchelima Sanchelima & Associates, P.A. 235 S.W. Le Jeune Road Miami, FL 33134 UNITED STATES jesus@sanchelima.com Phone:(305) 447-1617		
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Applicant Information

Application No	76605405	Publication date	07/11/2006
Opposition Filing Date	07/25/2006	Opposition Period Ends	08/10/2006
International Registration No.	NONE	International Registration Date	NONE
Applicant	ESTABLECIMIENTOS ANCALMO S.A. DE C.V. Blvd. Walter Deininger Antiguo Cuscatlan, EL SALVADOR		

Goods/Services Affected by Opposition

Class 005. All goods and services in the class are opposed, namely: PHARMACEUTICAL PREPARATIONS, NAMELY ORAL SERUMS IN POWDER FORM FOR GELATINS, IN LIQUID FORM, AND IN GRANULAR FORM FOR THE TREATMENT OF SYMPTOMS DUE TO DIARRHEA, AND/OR VOMITING

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Signature	/Jesus Sanchelima/
Name	Jesus Sanchelima
Date	07/25/2006

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

In the matter of trademark application Serial No. 76605405
For the mark SUERO ORAL ANCALMO
Published in the Official Gazette on 2006-07-11

MENPER DISTRIBUTORS INC.

Opposer.

v.

ESTABLECIMIENTOS ANCALMO S.A. DE C.V.

Applicant.

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NOTICE OF OPPOSITION

Menper Distributors Inc., a Florida corporation with offices at 6500 N.W. 35th Ave., Miami, FL 33147 (the "Opposer"), believes that it will be damaged by registration of the mark shown in the above-identified application, and hereby opposes it.

The grounds for opposition are as follows:

1. Opposer has been and is now engaged in the production, sale and distribution of pharmaceutical products bearing the trademark SUERO ORAL.
2. Since as early as November 1999, Opposer has used the trademark SUERO ORAL in association with pharmaceutical products, made under its direction and sold and marketed in interstate commerce throughout the United States.

3. Opposer has used its trademark to distinguish its products from all other goods of the same class and has acquired substantial goodwill through the use of its distinctive trademark.

4. Opposer is the owner of U.S. Trademark Registration No. 2932141 in the Supplemental Register in International Class 005 for "oral electrolytes liquid and concentrated powder," which was duly and legally issued by the United States Patent and Trademark Office.

5. Since the date of issuance of this registration, Opposer has continued to use its trademark in interstate commerce.

6. Since the date of issuance of this trademark registration, Opposer has been as is still the owner of the trademark.

7. Since the date of issuance of this trademark registration, Opposer has given notice to the public that the mark is a registered trademark by affixing notice as provided for in 15 U.S.C. § 1111.

8. Opposer's use of the trademark preceded by several years Applicant's application to register its counterfeit mark, which application is based on section 1B of the Trademark Act.

9. Opposer, by virtue of its federal registration and use of the mark SUERO ORAL enjoys superior rights over Applicant's proposed mark.

10. Applicant's addition of the term ANCALMO is insufficient to distinguish its mark from Opposer's mark, and such term is primarily merely a surname.

11. Applicant's products are similar, if not identical to Opposer's: "pharmaceutical preparations, namely oral serums in powder form for gelatins, in

liquid form, and in granular form for the treatment of symptoms due to diarrhea, and/or vomiting."

12. Applicant's SUERO ORAL ANCALMO trademark is likely to cause confusion, mistake and deception in violation of 15 U.S.C. § 1114.

13. If Applicant is granted a certificate of registration of its mark, the value of Opposer's intellectual property will be destroyed or diminished, and Applicant and others will be encouraged or induced to infringe upon Opposer's trademark.

THEREFORE, the Opposer requests that registration of the opposed mark be denied and such other and further relief as is deemed just and proper.

RESPECTFULLY SUBMITTED,

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By:

/s/ Amaury Cruz

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