

ESTTA Tracking number: **ESTTA125294**

Filing date: **02/15/2007**

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	Econugenics, Inc.		
Entity	Corporation	Citizenship	California
Address	2208 Northpoint Parkway Santa Rosa, CA 95407 UNITED STATES		

Attorney information	Jay H. Geller West Tower, Suite 4000 2425 W. Olympic BL. Santa Monica, CA 90404 UNITED STATES jhgeller@aol.com Phone:310-449-1399		
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Applicant Information

Application No	77049612	Publication date	02/06/2007
Opposition Filing Date	02/15/2007	Opposition Period Ends	03/08/2007
Applicant	NextWave Pharmaceuticals Incorporated 1670 Barclay Boulevard Buffalo Grove, IL 60089 UNITED STATES		

Goods/Services Affected by Opposition

Class 005. All goods and services in the class are opposed, namely: Vitamin and nutritional supplements with fluoride
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Attachments	MyKidzOpp.pdf (2 pages)(346666 bytes)
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Signature	/jhgeller/
Name	Jay H. Geller
Date	02/15/2007

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

Econugenics, Inc.

Opposer,

v.

NextWave Pharmaceuticals Inc.

Applicant.

NOTICE OF OPPOSITION

To The Commissioner of Patents and Trademarks:

Econugenics, Inc. hereby opposes registration of Applicant's trademark, MYKIDZ IRON FL, published in the Official Gazette of February 6, 2007. The following allegations are submitted in support of this Notice of Opposition:

1. Opposer is a California company, with its principal place of business in Santa Rosa, CA.

2. Applicant, upon information and belief, is a Delaware corporation with its principal place of business in Buffalo Grove, IL.

3. Applicant has applied for serial number 77049612 for the trademark MYKIDZ IRON FL claiming a bona fide intent to use. The application was filed on November 22, 2006.

4. Opposer is the owner of the trademark MYCOKIDZ. Opposer filed an application register the mark MYCOKIDZ claiming a bona fide intent to use on April 25, 2006. A Notice of Allowance was issued for the application on October 24, 2006 and an Allegation of Use was filed on January 5, 2007 claiming a first use date on the goods of December 26, 2006 and interstate commerce on December 29, 2006. Opposer's intent to use application predates applicant's intent to use application by over six months and

Opposer has priority with respect to its mark and any confusingly similar mark. Both applicant's application and opposer's application cover the same goods in International Class 5, namely dietary supplements.

6. The goods upon which applicant intends to use its mark MYKIDZ IRON FL are identical to those goods upon which Opposer uses its mark MYCOKIDZ.

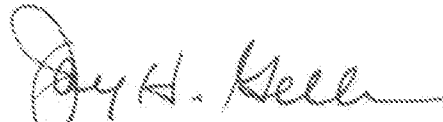
7. The likelihood of confusion in the marketplace exists between Opposer's trademark applied to the goods of the respective parties, and applicant's trademark.

8. Registration of trademark will result in damage to Opposer's trademark Opposer's business.

Wherefore, Opposer requests that this Opposition be sustained and that the registration of the Applicant be refused.

As required by the rules of the TTAB, this Notice is filed in duplicate.

Dated: February 15, 2007



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