

ESTTA Tracking number: **ESTTA139591**

Filing date: **05/09/2007**

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	Bristol-Myers Squibb Company
Granted to Date of previous extension	05/09/2007
Address	345 Park Avenue New York, NY 10154 UNITED STATES
Attorney information	Ulana Holubec Quinn Emanuel Urquhart Oliver & Hedges, LLP 51 Madison Ave. 22nd Floor New York, NY 10010 UNITED STATES ulanaholubec@quinnemanuel.com, claudiabogdanos@quinnemanuel.com Phone:212 849-7255

**Applicant Information**

Application No	78565997	Publication date	01/09/2007
Opposition Filing Date	05/09/2007	Opposition Period Ends	05/09/2007
International Registration No.	NONE	International Registration Date	NONE
Applicant	RENOVO LIMITED The Incubator Building 48 Grafton Street Manchester, M13 9XX, UNITED KINGDOM		

**Goods/Services Affected by Opposition**

<p>Class 005. All goods and services in the class are opposed, namely: Pharmaceutical preparations, namely, wound healing preparations, preparations for the prevention, reduction, inhibition or treatment of scarring, preparations for the treatment, reduction, inhibition or prevention of fibrosis, preparations for the treatment, inhibition or prevention of the development of fibrotic conditions, preparations for the purpose of prevention, reduction, inhibition or treatment of scarring in connection with elective surgery and trauma, treatment of nerves, surgery of nerves or trauma, preparations for the treatment, reduction, inhibition or prevention of dermal wounds, preparations for the treatment, reduction, inhibition or prevention of dermal scarring, preparations for the treatment, reduction, inhibition or prevention of dermal fibrotic conditions, preparations for the treatment of damaged ligaments, tendons or cartilage, preparations for the promotion of re-epithelialization, preparations for the treatment of chronic wounds, preparations for the treatment of burns, preparations for the treatment, reduction, inhibition or prevention of ulcers or pressure sores, preparations for the treatment, reduction, inhibition or prevention of adhesions and strictures, preparations for the treatment of cardiovascular and vascular restenosis, preparations for the purpose of prevention, reduction,</p>
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inhibition or treatment of scarring in the treatment of the eye, preparations for the purpose of prevention, reduction, inhibition or treatment of scarring in the treatment of nerves, surgery of nerves or trauma
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## Grounds for Opposition

False suggestion of a connection	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)
Other	Trademark Act section 2(f) - The mark will dilute opposer's mark

## Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	1597127	Application Date	09/18/1989
Registration Date	05/22/1990	Foreign Priority Date	NONE
Word Mark	VIDEX		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 1989/09/06 First Use In Commerce: 1989/09/06 ANTI-VIRAL PREPARATIONS		

Attachments	Renovo-JUVIDEX-NoO.pdf ( 5 pages )(95084 bytes )
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Signature	/ulanaholubec/
Name	Ulana Holubec
Date	05/09/2007

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

In the Matter of Application Serial No. 78/565,997  
Published in the Official Gazette on January 9, 2007  
Mark: JUVIDEX

BRISTOL-MYERS SQUIBB COMPANY,

Opposer,

-against-

RENOVO LIMITED COMPANY,

Applicant.

Opposition No. \_\_\_\_\_

**NOTICE OF OPPOSITION**

TO THE COMMISSIONER FOR TRADEMARKS:

Opposer believes it will be damaged by registration of the designation JUVIDEX as shown in the above-identified application and hereby opposes the same pursuant to Section 13(a) of the Trademark Act of 1946, as amended (the "Lanham Act"), 15 U.S.C. § 1063(a).

As grounds for the opposition, Opposer alleges that:

1. Opposer is a Delaware corporation with an address of 345 Park Avenue, New York, NY, 10154.
2. Since September 6, 1989, Opposer, and/or its predecessors in interest, have used the trademark VIDEX and variations thereof (the "VIDEX Marks") on or in connection with anti-viral preparations.
3. Opposer actively seeks to identify and stop perceived infringers of the VIDEX Marks.

4. Opposer and its authorized business partners and licensees have expended considerable time, effort, and money in advertising and publicizing the sale of goods bearing the VIDEX Marks.

5. Opposer and its licensees have sold, and offered for sale, goods bearing the VIDEX Marks in a trading area of broad geographical scope, including the United States and numerous countries throughout the world.

6. Since September 6, 1989, the print media and the general public have referred to the VIDEX Marks in connection with Opposer and/or its predecessors in interest. Such use by the media and the public inures exclusively to the benefit of Opposer.

7. In addition to Opposer's common law rights in the VIDEX Marks, Opposer owns, inter alia, United States Trademark Registration No. 1,597,127 for the mark VIDEX, with a date of first use in commerce of September 6, 1989; and United States Trademark Registration No. 2,904,718 for the mark VIDEX EC, with a date of first use in commerce of October 30, 2000. Registration No. 1,597,127 for the mark VIDEX is incontestable pursuant to Section 15 of the Lanham Act, 15 U.S.C. § 1065.

8. Opposer's use of the VIDEX Marks, Opposer's advertising and publicity of goods with the VIDEX Marks over the years, and use by the media of the VIDEX Marks, have contributed to the powerful consumer association between the VIDEX Marks and Opposer, and have made the VIDEX Marks famous.

9. The VIDEX Marks have a high degree of distinctiveness due to the duration and extent of Opposer's use, advertising, and publicity of the VIDEX Marks.

10. By the application herein opposed, Applicant seeks to register the designation JUVIDEX in International Class 5 for “[p]harmaceutical preparations, namely, wound healing

preparations, preparations for the prevention, reduction, inhibition or treatment of scarring, preparations for the treatment, reduction, inhibition or prevention of fibrosis, preparations for the treatment, inhibition or prevention of the development of fibrotic conditions, preparations for the purpose of prevention, reduction, inhibition or treatment of scarring in connection with elective surgery and trauma, treatment of nerves, surgery of nerves or trauma, preparations for the treatment, reduction, inhibition or prevention of dermal wounds, preparations for the treatment, reduction, inhibition or prevention of dermal scarring, preparations for the treatment, reduction, inhibition or prevention of dermal fibrotic conditions, preparations for the treatment of damaged ligaments, tendons or cartilage, preparations for the promotion of re-epithelialization, preparations for the treatment of chronic wounds, preparations for the treatment of burns, preparations for the treatment, reduction, inhibition or prevention of ulcers or pressure sores, preparations for the treatment, reduction, inhibition or prevention of adhesions and strictures, preparations for the treatment of cardiovascular and vascular restenosis, preparations for the purpose of prevention, reduction, inhibition or treatment of scarring in the treatment of the eye, preparations for the purpose of prevention, reduction, inhibition or treatment of scarring in the treatment of nerves, surgery of nerves or trauma.”

11. The goods for which Applicant seeks registration are substantially similar or identical to the goods in connection with which Opposer's VIDEX Marks are in use, as they are all pharmaceutical substances and preparations.

12. Applicant filed its application on February 11, 2005, years after Opposer started using the VIDEX Marks, and after they had become famous.

13. Opposer will be damaged by the registration sought by Applicant because such registration will support and assist Applicant in the confusing and misleading use of the

designation sought to be registered, and will give color of exclusive statutory rights to Applicant in violation and derogation of the prior and superior rights of Opposer.

14. Registration should be refused pursuant to Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d), on the ground that the designation JUVIDEX so resembles Opposer's VIDEX Marks, used consistently by Opposer in the United States, as to be likely, when used on or in connection with the goods identified in the Application, to cause confusion, or to cause mistake, or to deceive, with consequent injury to Opposer and to the public.

15. Registration should be refused pursuant to Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d), on the ground that because the designation JUVIDEX so resembles Opposer's VIDEX Marks, used consistently by Opposer in the United States, and the goods identified in the Application are substantially similar or identical to the goods in connection with which Opposer's VIDEX Marks are in use, as all are pharmaceutical substances and preparations, there is a danger of serious bodily harm to the public as a result of likely confusion between the designation JUVIDEX and Opposer's VIDEX Marks.

16. Registration should be refused pursuant to Section 2(a) of the Lanham Act, 15 U.S.C. § 1052(a), on the ground that Applicant's use of the designation JUVIDEX will falsely suggest a connection between Applicant and Opposer named herein, to the damage of Opposer.

17. Registration should be refused pursuant to Sections 2(f) and 43(c) of the Lanham Act, 15 U.S.C. §§ 1052(f) and 1125(c), on the ground that Opposer will be damaged by the registration sought by Applicant, because the registration will dilute the distinctive and famous quality of the VIDEX Marks.

WHEREFORE, Opposer believes it will be damaged by the registration of Applicant's JUVIDEX designation for the goods identified in Application Serial Number

78/565,997 and respectfully requests that the opposition be sustained and registration of said designation be denied.


Pursuant to 37 C.F.R. §2.6(a)(17), Opposer respectfully requests that the \$300.00 statutory filing fee and any additional amount be charged to Deposit Account No. 50-3778.

All communication should be addressed to Opposer's counsel, Quinn Emanuel Urquhart Oliver & Hedges, LLP, at the below stated address.

Dated: New York, New York  
May 9, 2007

Respectfully submitted,

Quinn Emanuel Urquhart Oliver & Hedges

By: \_\_\_\_\_

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