

ESTTA Tracking number: **ESTTA196295**

Filing date: **03/04/2008**

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	Endo Pharmaceuticals Inc.		
Entity	Corporation	Citizenship	Delaware
Address	100 Endo Blvd. Chadds Ford, PA 19317 UNITED STATES		

Attorney information	Bruce A. McDonald Schnader Harrison Segal & Lewis LLP 2001 Pennsylvania Ave., N.W., Suite 300 Washington, DC 20006 UNITED STATES bmcdonald@schnader.com Phone:202-419-4235		
----------------------	---	--	--

Applicant Information

Application No	77146975	Publication date	02/19/2008
Opposition Filing Date	03/04/2008	Opposition Period Ends	03/20/2008
Applicant	JIANGSU SIMCERE PHARMACEUTICAL CO., LTD NO. 12 HUAYUAN ROAD NANJING CITY JIANGSU PROVINCE, CHINA		

Goods/Services Affected by Opposition

<p>Class 005. All goods and services in the class are opposed, namely: Vitamin preparations; pharmaceutical preparations for human purposes, namely, for use in the treatment of high blood pressure, cardiovascular disease, ophthalmic diseases, respiratory system, circulatory system, digestive system, regulating endocranium, cold, stomach ailments, cough, skin disease, gynecological disease, blood system, nervous system ailments; vitamin and mineral preparations for use as ingredients in the food and pharmaceutical industry; dietetic foods adapted for medical use; vitamin fortified beverages; baby food; nutritional supplements; nutritional additives for medical purposes for use in foods and dietary supplements for human consumption; tonics and infusions for medicinal purposes for use in the treatment of high blood pressure, cardiovascular disease, ophthalmic diseases, respiratory system, circulatory system, digestive system, regulating endocranium, cold, stomach ailments, cough, skin disease, gynecological disease, blood system, nervous system ailments; conductive lacquer for dental purposes; depuratives for the body; diagnostic preparations for medical and veterinary use; herbicides</p>
--

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	324936	Application Date	01/22/1935
Registration Date	06/04/1935	Foreign Priority Date	NONE
Word Mark	ENDO		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class U018 (International Class 005). First use: First Use: 1916/06/01 First Use In Commerce: 1916/06/01 TABLETS FOR THE RELIEF OF PAIN		

U.S. Registration No.	1993892	Application Date	04/22/1994
Registration Date	08/13/1996	Foreign Priority Date	NONE
Word Mark	ENDOCET		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 1994/06/17 First Use In Commerce: 1994/06/17 pharmaceutical analgesic preparation		

U.S. Registration No.	1995948	Application Date	04/22/1994
Registration Date	08/20/1996	Foreign Priority Date	NONE
Word Mark	ENDODAN		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 1994/06/17 First Use In Commerce: 1994/06/17 pharmaceutical analgesic preparation		

U.S. Registration No.	2004648	Application Date	12/01/1993
Registration Date	10/01/1996	Foreign Priority Date	NONE
Word Mark	ENDO		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 1994/05/19 First Use In Commerce: 1994/05/19 house mark for a full line of pharmaceutical preparations		

U.S. Registration No.	2189503	Application Date	02/10/1998
-----------------------	---------	------------------	------------

Registration Date	09/15/1998	Foreign Priority Date	NONE
Word Mark	ENDO		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 1994/05/19 First Use In Commerce: 1994/05/19 house mark for a full line of pharmaceutical preparations		

U.S. Registration No.	2267677	Application Date	08/27/1997
Registration Date	08/03/1999	Foreign Priority Date	NONE
Word Mark	ENDO GENERIC PRODUCTS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 1997/08/26 First Use In Commerce: 1997/08/26 house mark for a full line of pharmaceutical preparations		

U.S. Registration No.	2317044	Application Date	08/27/1997
Registration Date	02/08/2000	Foreign Priority Date	NONE
Word Mark	ENDO LABORATORIES		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 1997/08/26 First Use In Commerce: 1997/08/26 house mark for a full line of pharmaceutical preparations		

U.S. Registration No.	2411389	Application Date	05/17/1999
Registration Date	12/05/2000	Foreign Priority Date	NONE
Word Mark	ENDOCODONE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 1999/08/01 First Use In Commerce: 1999/08/01 pharmaceutical preparations, namely analgesics		

U.S. Registration No.	2921176	Application Date	09/25/2002
Registration Date	01/25/2005	Foreign Priority Date	NONE
Word Mark	ENDO		
Design Mark			
Description of	NONE		

Mark	
Goods/Services	Class 005. First use: First Use: 2002/12/00 First Use In Commerce: 2002/12/00 full line of pharmaceutical preparations

Attachments	71360540#TMSN.jpeg (1 page)(bytes) 75431737#TMSN.gif (1 page)(bytes) 75347955#TMSN.gif (1 page)(bytes) 75347956#TMSN.gif (1 page)(bytes) 75708346#TMSN.gif (1 page)(bytes) 76453299#TMSN.gif (1 page)(bytes) Notice_of_Opposition.pdf (6 pages)(179239 bytes) Exhibit_A.pdf (10 pages)(149908 bytes)
-------------	---

Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Bruce A. McDonald/
Name	Bruce A. McDonald
Date	03/04/2008

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

In the matter of Application Serial No. 77/146,975
For the Mark ENDOSTAR
Published in the Official Gazette on February 19, 2008

Endo Pharmaceuticals Inc.,)	
)	
Opposer,)	
)	
v.)	Opposition No.
)	
Jiangsu Simcere Pharmaceutical Co., Ltd.,)	
)	
Applicant.)	
_____)	

Commissioner for Trademarks
Madison East, Concourse Level, Room C55
600 Dulaney Street
Alexandria, VA 22314




NOTICE OF OPPOSITION

Endo Pharmaceuticals Inc., a Delaware corporation located at 100 Endo Blvd., Chadds Ford, PA 19317, believes that it will be damaged by registration of the mark shown in the above-identified application, filed April 3, 2007, and hereby opposes same.

The grounds for opposition are as follows:

1. Opposer is one of the leading U.S. companies engaged in research, development and marketing of prescription pharmaceuticals used primarily to treat and manage pain.
2. Opposer, since long prior to April 3, 2007, has used the federally registered trademark ENDO for prescription pharmaceuticals and has used “Endo Pharmaceuticals” as its principal trade name and service mark.

3. Opposer owns all right, title and interest in the following family of United States Trademark Registrations commencing with the word ENDO, and has used these registrations in connection with the below identified goods since the indicated dates of first use:

Mark	Reg. No.	Goods/Services
	2,921,176	Full line of pharmaceutical preparations, in Class 5 (first use 12/2002)
ENDOCODONE	2,411,389	Pharmaceutical preparations, namely analgesics, in Class 5 (first use 8/1/1999)
ENDO LABORATORIES	2,317,044	House mark for a full line of pharmaceutical preparations, in Class 5 (first use 8/26/1997)
ENDO GENERIC PRODUCTS	2,267,677	House mark for a full line of pharmaceutical preparations, in Class 5 (first use 8/26/1997)
	2,189,503	House mark for a full line of pharmaceutical preparations, in Class 5 (first use 5/19/1994)
ENDO	2,004,648	House mark for a full line of pharmaceutical preparations, in Class 5 (first use 5/19/1994)
ENDODAN	1,995,948	Pharmaceutical analgesic preparation, in Class 5 (first use 6/17/1994)
ENDOCET	1,993,892	Pharmaceutical analgesic preparation, in Class 5 (first use 6/17/1994)
	324,936	Tablets for the relief of pain, in Class 5 (first use 6/1/1916)

These registrations are valid and subsisting and in full force and effect. True and accurate copies of these registration are appended to this Notice of Opposition collectively as Exhibit A.

3. Opposer accordingly owns valuable goodwill in its ENDO mark.

4. For over ninety-two (92) years, Opposer's medications sold under the name "ENDO" have been widely prescribed.

5. Since the first days of the Internet, Opposer has used the website at www.endo.com for advertising and promotion of its family of ENDO marks, the home page of which currently appears as follows:



6. On April 3, 2007, Jiangsu Simcere Pharmaceutical Co., Ltd., filed U.S. Intent-to-Use Trademark Application Serial No. 77/146,975, seeking registration of ENDOSTAR for vitamin preparations; pharmaceutical preparations for human purposes, namely, for use in the treatment of high blood pressure, cardiovascular disease, ophthalmic diseases, respiratory system, circulatory system, digestive system, regulating endocranium, cold, stomach ailments, cough, skin disease, gynecological disease, blood system, nervous system ailments; vitamin and mineral preparations for use as ingredients in the food and pharmaceutical industry; dietetic foods adapted for medical use; vitamin fortified beverages; baby food; nutritional supplements; nutritional additives for medical purposes for use in foods and dietary supplements for human consumption; tonics and infusions for medicinal purposes for use in the treatment of high blood pressure, cardiovascular disease, ophthalmic diseases, respiratory system, circulatory system,

digestive system, regulating endocranium, cold, stomach ailments, cough, skin disease, gynecological disease, blood system, nervous system ailments; conductive lacquer for dental purposes; depuratives for the body; diagnostic preparations for medical and veterinary use; and herbicides, in International Class 5.

7. Applicant's ENDOSTAR mark, as applied to Applicant's goods identified in the opposed application, so resembles the previously used and registered ENDO mark of Opposer, as to be likely to cause confusion or cause mistake, or to deceive, and is therefore prohibited from registration on the Principal Register by Section 2(d) of the Federal Trademark Act of 1946, as amended (the "Lanham Act"), 15 U.S.C. § 1052(d).

8. In addition, Opposer's ENDO mark is widely known in the U.S. health care field, including but not limited to the medical profession and the pharmaceuticals industry, based on extensive sales, advertising, and unsolicited favorable publicity, for the past 92 years. Opposer's mark is "famous" within the meaning of the Federal Trademark Dilution Act, 15 USC §1125(c)(2)(A), and had been so for many years when Applicant adopted its ENDOSTAR mark. Applicant's mark, if registered, is likely to dilute the distinctive quality of Opposer's famous mark and is therefore prohibited from registration under the Trademark Amendments Act of 1999, codified at 15 U.S.C. § 1063.

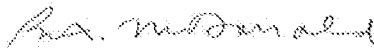
WHEREFORE, Opposer requests that registration of Applicant's ENDOSTAR mark, U.S. Application Serial No. 77/146,975, be denied.

Filing Fee

The Board is hereby authorized to debit the deposit account of the undersigned law firm, Acc't No. 133405, in the amount of \$300, to cover the filing fee for this Notice of Opposition.

Respectfully submitted,

ENDO PHARMACEUTICALS INC.



Date: March 5, 2008 By:

Bruce A. McDonald
SCHNADER HARRISON SEGAL & LEWIS LLP
2001 Pennsylvania Ave., N.W., Suite 300
Washington, D.C. 20006
(202) 419-4235 (Telephone)
(202) 419-3454 (Facsimile)
bmcdonald@schnader.com (e-mail authorized)

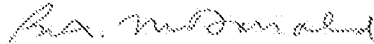
James. R. Meyer
SCHNADER HARRISON SEGAL & LEWIS LLP
3600 Market Street, Suite 3600
Philadelphia, PA 19103-7286
(215) 751-2622 (Telephone)
(215) 972-7677 (Facsimile)
jmeyer@schnader.com (e-mail authorized)

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on March 5, 2008, a copy of the foregoing Notice of Opposition was served by United States Mail, first class postage prepaid, and by e-mail, on the Applicant of record and counsel for the Applicant at the following respective addresses:

Eric Chan
42 Pin Oaks Dr.
Phoenixville, PA 19460
admin@chinahk-ip.com

Jo Chan
China .hk Intellectual Property Services Co., Ltd.
2504-6, 25/F, CC Wu Building
302-308 Hennessy Road
HONG KONG
info@chinahk-ip.com



Bruce A. McDonald
Attorney
SCHNADER HARRISON SEGAL & LEWIS LLP

EXHIBIT A

Int. Cl.: 5

Prior U.S. Cls.: 6, 18, 44, 46, 51, and 52

United States Patent and Trademark Office

Reg. No. 2,921,176

Registered Jan. 25, 2005

**TRADEMARK
PRINCIPAL REGISTER**



ENDO PHARMACEUTICALS INC. (DELAWARE
CORPORATION)
100 PAINTER'S DRIVE
CHADDS FORD, PA 19317

FOR: FULL LINE OF PHARMACEUTICAL PRE-
PARATIONS, IN CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51
AND 52).

FIRST USE 12-0-2002; IN COMMERCE 12-0-2002.

OWNER OF U.S. REG. NOS. 1,993,892, 2,004,648,
AND OTHERS.

THE STIPPLING IS A FEATURE OF THE MARK
AND IS NOT INTENDED TO INDICATE COLOR.

SN 76-453,299, FILED 9-25-2002.

ELIZABETH PIGNATELLO, EXAMINING ATTOR-
NEY

Int. Cl.: 5

Prior U.S. Cls.: 6, 18, 44, 46, 51, and 52

Reg. No. 2,411,389

United States Patent and Trademark Office

Registered Dec. 5, 2000

**TRADEMARK
PRINCIPAL REGISTER**

ENDOCODONE

ENDO PHARMACEUTICALS INC. (DELAWARE
CORPORATION)
223 WILMINGTON-WEST CHESTER PIKE
CHADDS FORD, PA 19317

FOR: PHARMACEUTICAL PREPARATIONS,
NAMELY ANALGESICS, IN CLASS 5 (U.S. CLS. 6,
18, 44, 46, 51 AND 52).

FIRST USE 8-1-1999; IN COMMERCE 8-1-1999.
OWNER OF U.S. REG. NOS. 324,936, 2,189,503,
AND OTHERS.

SN 75-708,346, FILED 5-17-1999.

AISHA CLARKE, EXAMINING ATTORNEY

Int. Cl.: 5

Prior U.S. Cls.: 6, 18, 44, 46, 51, and 52

Reg. No. 2,317,044

United States Patent and Trademark Office

Registered Feb. 8, 2000

**TRADEMARK
PRINCIPAL REGISTER**

ENDO LABORATORIES

**ENDO PHARMACEUTICALS INC. (DELA-
WARE CORPORATION)
P.O. BOX 4144
WILMINGTON, DE 19807**

**OWNER OF U.S. REG. NOS. 324,936 AND
2,004,648.**

**NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "LABORATORIES", APART
FROM THE MARK AS SHOWN.**

**FOR: HOUSE MARK FOR A FULL LINE OF
PHARMACEUTICAL PREPARATIONS, IN
CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).
FIRST USE 8-26-1997; IN COMMERCE
8-26-1997.**

SN 75-347,956, FILED 8-27-1997.

ALICIA COLLINS, EXAMINING ATTORNEY

Int. Cl.: 5

Prior U.S. Cls.: 6, 18, 44, 46, 51, and 52

Reg. No. 2,267,677

United States Patent and Trademark Office

Registered Aug. 3, 1999

**TRADEMARK
PRINCIPAL REGISTER**

ENDO GENERIC PRODUCTS

ENDO PHARMACEUTICALS INC. (DELA-
WARE CORPORATION)
P.O. BOX 4144
WILMINGTON, DE 19807

FOR: HOUSE MARK FOR A FULL LINE OF
PHARMACEUTICAL PREPARATIONS, IN
CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).
FIRST USE 8-26-1997; IN COMMERCE
8-26-1997.

OWNER OF U.S. REG. NOS. 324,936 AND
2,004,648.

NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "GENERIC PRODUCTS",
APART FROM THE MARK AS SHOWN.

SN 75-347,955, FILED 8-27-1997.

ALICIA COLLINS, EXAMINING ATTORNEY

Int. Cl.: 5

Prior U.S. Cls.: 6, 18, 44, 46, 51 and 52

Reg. No. 2,189,503

United States Patent and Trademark Office

Registered Sep. 15, 1998

**TRADEMARK
PRINCIPAL REGISTER**

Endo

**ENDO PHARMACEUTICALS INC. (DELA-
WARE CORPORATION)
223 WILMINGTON WEST CHESTER PIKE
CHADDS FORD, PA 19317**

**FIRST USE 5-19-1994; IN COMMERCE
5-19-1994.
OWNER OF U.S. REG. NOS. 324,936, 2,004,648
AND OTHERS.**

**FOR: HOUSE MARK FOR A FULL LINE OF
PHARMACEUTICAL PREPARATIONS, IN
CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).**

**SER. NO. 75-431,737, FILED 2-10-1998.
ALICIA COLLINS, EXAMINING ATTORNEY**

Int. Cl.: 5

Prior U.S. Cls.: 6, 18, 44, 46, 51, and 52

United States Patent and Trademark Office

Reg. No. 2,004,648

Registered Oct. 1, 1996

**TRADEMARK
PRINCIPAL REGISTER**

ENDO

DUPONT MERCK PHARMACEUTICAL COM-
PANY, THE (PARTNERSHIP)
4301 LANCASTER AVENUE
BARLEY MILL PLAZA, BUILDING 25
WILMINGTON, DE 198800025

FIRST USE 5-19-1994; IN COMMERCE
5-19-1994.

OWNER OF U.S. REG. NO. 324,936.

SN 74-464,554, FILED 12-1-1993.

FOR: HOUSE MARK FOR A FULL LINE OF
PHARMACEUTICAL PREPARATIONS, IN
CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).

ESTHER A. BORSUK, EXAMINING ATTOR-
NEY

Int. Cl.: 5

Prior U.S. Cls.: 6, 18, 44, 46, 51, and 52

Reg. No. 1,995,948

United States Patent and Trademark Office Registered Aug. 20, 1996

**TRADEMARK
PRINCIPAL REGISTER**

ENDODAN

DUPONT MERCK PHARMACEUTICAL COM-
PANY, THE (PARTNERSHIP)
4301 LANCASTER PIKE
BARLEY MILL PLAZA, BUILDING 25
WILMINGTON, DE 198800025

FIRST USE 6-17-1994; IN COMMERCE
6-17-1994.

SN 74-519,256, FILED 4-22-1994.

FOR: PHARMACEUTICAL ANALGESIC
PREPARATION, IN CLASS 5 (U.S. CLS. 6, 18, 44,
46, 51 AND 52).

LAURA SMITH, EXAMINING ATTORNEY

Int. Cl.: 5

Prior U.S. Cls.: 6, 18, 44, 46, 51, and 52

United States Patent and Trademark Office **Reg. No. 1,993,892**
Registered Aug. 13, 1996

**TRADEMARK
PRINCIPAL REGISTER**

ENDOCET

DUPONT MERCK PHARMACEUTICAL COM-
PANY, THE (PARTNERSHIP)
4301 LANCASTER PIKE
BARLEY MILL PLAZA, BUILDING 25
WILMINGTON, DE 198800025

FIRST USE 6-17-1994; IN COMMERCE
6-17-1994.

SN 74-519,259, FILED 4-22-1994.

FOR: PHARMACEUTICAL ANALGESIC
PREPARATION, IN CLASS 5 (U.S. CLS. 6, 18, 44,
46, 51 AND 52).

LAURA SMITH, EXAMINING ATTORNEY

Int. Cl.: 5

Prior U.S. Cl.: 18

United States Patent and Trademark Office
10 Year Renewal

Reg. No. 324,936
Registered June 4, 1935
Renewal Term Begins June 4, 1995

TRADEMARK
PRINCIPAL REGISTER

ENDO

DUPONT MERCK PHARMACEUTICAL
COMPANY, THE (PARTNERSHIP)
DUPONT MERCK PLAZA, BUILDING
722
974 CENTRE ROAD
WILMINGTON, DE 19807, BY CHANGE
OF NAME, CHANGE OF NAME, AS-
SIGNMENT, CHANGE OF NAME,
MERGER AND ASSIGNMENT FROM
INTRAVENOUS PRODUCTS CO. OF
AMERICA, INC. (NEW YORK CORPO-
RATION) NEW YORK CITY, NY

OWNER OF U.S. REG. NOS. 213,724,
266,369 AND 297,340.

FOR: TABLETS FOR THE RELIEF OF
PAIN, IN CLASS 18 (INT. CL. 5).
FIRST USE 6-1-1916; IN COMMERCE
6-1-1916.

SER. NO. 71-360,540, FILED 1-22-1935.

*In testimony whereof I have hereunto set my hand
and caused the seal of The Patent and Trademark
Office to be affixed on Sep. 5, 1995.*

COMMISSIONER OF PATENTS AND TRADEMARKS