

ESTTA Tracking number: **ESTTA433980**

Filing date: **10/05/2011**

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	Merck Sharp & Dohme Corp.
Granted to Date of previous extension	10/05/2011
Address	One Merck Drive Whitehouse Station, NJ 08889-0100 UNITED STATES

Attorney information	Debra A. Shelinsky Greene Merck Sharp & Dohme Corp. One Merck Drive Whitehouse Station, NJ 08889-0100 UNITED STATES TrademarkUS@merck.com, debra_greene@merck.com Phone:732-594-1657
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Applicant Information

Application No	85227530	Publication date	06/07/2011
Opposition Filing Date	10/05/2011	Opposition Period Ends	10/05/2011
Applicant	Vintage Pharmaceuticals, LLC 100 Endo Blvd. c/o Endo Pharmaceuticals Inc. Chadds Ford, PA 19317 UNITED STATES		

Goods/Services Affected by Opposition

Class 005. All goods and services in the class are opposed, namely: Pharmaceutical preparation for an oral contraceptive

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	3982271	Application Date	12/28/2009
Registration Date	06/21/2011	Foreign Priority Date	NONE
Word Mark	JENZYL		

Design Mark	JENZYL
Description of Mark	NONE
Goods/Services	Class 005. First use: First Use: 2011/02/23 First Use In Commerce: 2011/02/23 Pharmaceutical preparations for use in oncology

Attachments	77901369#TMSN.jpeg (1 page)(bytes) Notice of Opposition 1-JENZYL v. JEZLI.pdf (3 pages)(42584 bytes)
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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	/debra shelinsky greene/
Name	Debra A. Shelinsky Greene
Date	10/05/2011

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

In the matter of Trademark Application Serial No. 85/227530
Filed January 27, 2011
For the Mark JEZLI

Merck Sharp & Dohme Corp.)	
)	
Opposer,)	
)	
v.)	Opposition No.
)	
Vintage Pharmaceuticals, L.L.C.)	
)	
Applicant)	

NOTICE OF OPPOSITION

Opposer Merck Sharp & Dohme Corp., One Merck Drive, Whitehouse Station, New Jersey 08889, believes that it will be damaged by registration of the mark shown in Serial No. 85/227530, and hereby opposes the same:

The grounds for opposition are as follows:

1. Applicant filed intent-to-use Application Serial No. 85/227530 on or about January 27, 2011 to register the mark JEZLI in connection with "Pharmaceutical preparation for an oral contraceptive" ("Applicant's Mark").
2. Opposer will be damaged by the registration of Applicant's Mark.
3. Opposer is the owner of the following United States Registration No. 3,982,271 for the mark JENZYL in connection with "Pharmaceutical preparations for use in oncology" ("Opposer's Mark").

4. Applicant's Mark so resembles Opposer's Mark as to be likely to cause confusion or to cause mistake or to deceive.

WHEREFORE, Opposer prays that said application Serial No. 85/227530 be rejected, that no registration be issued, and that this Opposition be sustained in favor of Opposer. Please charge the requisite filing fee in the amount of \$300 from Deposit Account No. 13-2752 in the name of Merck & Co., Inc.

Opposer hereby appoints Debra A. Shelinsky Greene, Sophie B. Anger, each members of the Bar of the State of New York and Nancy L. Rowe, member of the Bar of the State of New Jersey, or any of them, the addresses of each being c/o Merck Sharp & Dohme Corp., 126 E. Lincoln Avenue, P. O. Box 2000, Rahway, New Jersey 07065-0900, to file the foregoing Notice of Opposition, to prosecute this opposition, with full powers of substitution and revocation, to make all alterations and amendments therein, and to transact all business and acts in the United States Patent and Trademark Office in connection therewith.

This 5th day of October, 2011.

Respectfully submitted,

By: /debra shelinsky greene/

Debra A. Shelinsky Greene
Counsel, Trademarks and Copyrights
Merck Sharp & Dohme Corp.
126 E. Lincoln Avenue
Rahway, New Jersey 07065
Telephone: (732) 594-1657
Facsimile: (732) 594-5760

Opposer

Notice of Opposition
Serial No. 85/227530
Page 3

CERTIFICATE OF FILING

I do hereby certify that on October 5, 2011, I filed via electronic means (ESTTA) this NOTICE OF OPPOSITION with the:

U. S. Patent and Trademark Office
Trademark Trial and Appeal Board
P. O. Box 1451
Alexandria, Virginia 22313-1451

With a copy via First Class Mail to:

James R. Meyer
Schnader Harrison Segal & Lewis LLP
1600 Market Street, Suite 3600
Philadelphia, PA 19103


Florence Niel Henits, Senior Paralegal