

ESTTA Tracking number: **ESTTA446278**

Filing date: **12/14/2011**

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	12/14/2011
Address	One Merck Drive Whitehouse Station, NJ 08889-0100 UNITED STATES
Attorney information	Debra A. Shelinsky Greene Merck & Co., Inc. 126 E. Lincoln Avenue Rahway, NJ 07065 UNITED STATES debra.greene@merck.com, TrademarkUS@merck.com, lynn.brumfield@merck.com Phone:(732) 594-1657

Applicant Information

Application No	85132502	Publication date	08/16/2011
Opposition Filing Date	12/14/2011	Opposition Period Ends	12/14/2011
International Registration No.	NONE	International Registration Date	NONE
Applicant	Laboratorios Sanfer, S.A. de C.V. #314-1A Blvd. Adolfo Lopez Mateos Col. Tlacopac, 01049 MEXICO		

Goods/Services Affected by Opposition

Class 005. All goods and services in the class are opposed, namely: medicines and pharmaceutical preparations, namely, pharmaceuticals for diarrhea treatment
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Applicant Information

Application No	85136842	Publication date	08/23/2011
Opposition Filing Date	12/14/2011	Opposition Period Ends	
International Registration No.	NONE	International Registration Date	NONE
Applicant	Laboratorios Sanfer S.A. de C.V. No. 314-1A Blvd. Adolfo Lopez Mateos Col. Tlacopac, 01049		

	MEXICO
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Goods/Services Affected by Opposition

Class 005. All goods and services in the class are opposed, namely: medicines and pharmaceutical preparations, namely, a pharmaceutical product for diarrhea treatment

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.	3786307	Application Date	05/24/2006
Registration Date	05/04/2010	Foreign Priority Date	NONE
Word Mark	TREDAPTIVE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 2010/02/16 First Use In Commerce: 2010/02/16 Pharmaceutical preparations for the treatment of cardiovascular diseases and disorders		

Attachments	78891549#TMSN.jpeg (1 page)(bytes) TREDA-US-Notice of Opposition.pdf (3 pages)(44266 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	12/14/2011

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

In the matter of Trademark Application Serial No. 85/132502
Filed September 17, 2010
For the Mark TREDA

and

In the matter of Trademark Application Serial No. 85/136842
Filed September 23, 2010
For the Mark TREDA (and design)

MERCK SHARP & DOHME CORP.)	
)	
)	
Opposer,)	
)	
v.)	Opposition No. _____
)	
LABORATORIOS SANFER, S.A. de C.V.)	
)	
Applicant)	
)	

NOTICE OF OPPOSITION

Opposer Merck Sharp & Dohme Corp., One Merck Drive, Whitehouse Station, New Jersey, USA, believes that it will be damaged by registration of the marks shown in Serial Nos. 85/132502 and 85/136842, and hereby opposes the same:

The grounds for opposition are as follows:

1. Applicant filed Application Serial No. 85/132502 on or about September 17, 2010 to register the mark TREDA and filed Serial No. 85/136842 on or about September 23, 2010, to register the mark TREDA (and design). Both applications were filed under filing basis 44(e), in connection with "medicines and pharmaceutical preparations, namely, a pharmaceutical product for diarrhea treatment." ("Applicant's Marks").

2. Opposer will be damaged by the registration of Applicant's Marks.

3. Opposer is the owner of United States Registration No. 3786307 for the mark TREDAPTIVE in connection with " Pharmaceutical preparations for the treatment of cardiovascular diseases and disorders" ("Opposer's Mark").

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

WHEREFORE, Opposer prays that said application Serial Nos. 85/132502 and 85/136842 be rejected, that no registrations be issued, and that this Opposition be sustained in favor of Opposer.

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 & Co., Inc., 126 E. Lincoln Avenue, 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 14th day of December, 2011.

Respectfully submitted,

MERCK SHARP & DOHME CORP.

By: /debra shelinsky greene/

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

Opposer


CERTIFICATE OF FILING

I do hereby certify that on December 14th, 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:

Richard J. Gurak
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120 S Riverside Plz Ste 2200
Chicago IL 60606-3912


Lynn Brumfield, Paralegal