

ESTTA Tracking number: **ESTTA481811**

Filing date: **07/05/2012**

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	07/08/2012
Address	One Merck Drive Whitehouse Station, NJ 08889-0100 UNITED STATES

Attorney information	Debra A. Shelinsky Greene Merck & Co., Inc. 126 East Lincoln Avenue Rahway, NJ 07065-0900 UNITED STATES debra_greene@merck.com, trademarkUS@merck.com Phone:732-594-1657
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Applicant Information

Application No	85329999	Publication date	01/10/2012
Opposition Filing Date	07/05/2012	Opposition Period Ends	07/08/2012
International Registration No.	NONE	International Registration Date	NONE
Applicant	Gilead Sciences Limited IDA Business and Technology Park Carrigtohill, Co. Cork, IRELAND		

Goods/Services Affected by Opposition

Class 005. All goods and services in the class are opposed, namely: Pharmaceuticals, namely, pharmacoenhancers and pharmaceuticals for the treatment of infectious diseases and disorders and HIV infection; antivirals
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Applicant Information

Application No	85330085	Publication date	01/10/2012
Opposition Filing Date	07/05/2012	Opposition Period Ends	
International Registration No.	NONE	International Registration Date	NONE
Applicant	Gilead Sciences Limited IDA Business and Technology Park Carrigtohill, Co. Cork,		

	IRELAND
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Goods/Services Affected by Opposition

Class 005. All goods and services in the class are opposed, namely: Pharmaceuticals, namely, pharmacoenhancers and pharmaceuticals for the treatment of infectious diseases and disorders and HIV infection; antivirals
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Applicant Information

Application No	85330091	Publication date	01/10/2012
Opposition Filing Date	07/05/2012	Opposition Period Ends	
International Registration No.	NONE	International Registration Date	NONE
Applicant	Gilead Sciences Limited IDA Business and Technology Park Carrigtohill, Co. Cork, IRELAND		

Goods/Services Affected by Opposition

Class 005. All goods and services in the class are opposed, namely: Pharmaceuticals, namely, pharmacoenhancers and pharmaceuticals for the treatment of infectious diseases and disorders and HIV infection; antivirals
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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.	2455941	Application Date	12/18/1998
Registration Date	05/29/2001	Foreign Priority Date	NONE
Word Mark	PROQUAD		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 2000/08/02 First Use In Commerce: 2000/08/02 Human vaccine preparations		

Attachments	Notice of Opp. -PROQUAD vs. QWAD, MYKWAD, THEQUAD.pdf (4 pages) (65386 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	07/05/2012

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

In the matter of Trademark Application Serial No. 85/329999
Filed: May 25, 2011
For the Trademark QWAD

In the matter of Trademark Application Serial No. 85-330085
Filed: May 25, 2011
For the Trademark: MYKWAD

In the matter of trademark Application Serial No. 85-330091
Filed: May 25, 2011
For the Trademark: THEQUAD

Merck Sharp & Dohme Corp.)	
)	
)	
Opposer,)	
)	
v.)	Opposition No.
)	
Gilead Sciences Limited)	
)	
Applicant)	

NOTICE OF OPPOSITION

Opposer Merck Sharp & Dohme Corp., a corporation duly organized and existing under the laws of the State of New Jersey, with its principal place of business located at One Merck Drive, Whitehouse Station, New Jersey 08889, believes that it will be damaged by registration of the marks shown in Serial Nos. 85/329999, 85/330085 and 85/330091, and hereby opposes the same:

The grounds for opposition are as follows:

1. Applicant filed intent-to-use Applications Serial Nos. 85/329999, 85/330085 and 85/330091 on May 25, 2011 to register the marks QWAD, MYKWAD and THEQUAD in connection with "Pharmaceuticals, namely, pharmacoenhancers and pharmaceuticals for the treatment of infectious diseases and disorders and HIV infection; antivirals" ("Applicant's Marks").

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2. Opposer will be damaged by the registration of Applicant's Marks.
3. Opposer is the owner of the following United States Registration No. 2,455,941 for the mark PROQUAD in connection with "Human vaccine preparations" ("Opposer's Mark").
4. Applicant's Marks so resembles Opposer's Mark as to be likely to cause confusion or to cause mistake or to deceive.

WHEREFORE, Opposer prays that said applications Serial Nos. 85/329999, 85/330085 and 85/330091 be rejected, that no registrations be issued, and that this Opposition be sustained in favor of Opposer. Please charge the requisite filing fee 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 & Co., Inc., 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.

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Serial No. 85/330091

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This 5th day of July, 2012.

Respectfully submitted,

By: /debra shelinsky greene/

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

Opposer

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Serial No. 85/330091

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CERTIFICATE OF FILING

I do hereby certify that on July 5, 2012, 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:

Gretchen R. Stroud
Gilead Sciences, Inc.
333 Lakeside Drive
Foster City, CA 94404



Florence Niel Henits, Senior Paralegal