

ESTTA Tracking number: **ESTTA610733**

Filing date: **06/18/2014**

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.
Granted to Date of previous extension	06/18/2014
Address	1400 Atwater Drive Malvern, PA 19355 UNITED STATES
Correspondence information	James R. Meyer, Esq. Counsel Schnader Harrison Segal & Lewis LLP 1600 Market Street Suite 3600 Philadelphia, PA 19103 UNITED STATES trademarks@schnader.com Phone:215-751-2622

Applicant Information

Application No	86073250	Publication date	02/18/2014
Opposition Filing Date	06/18/2014	Opposition Period Ends	06/18/2014
Applicant	Revolution Laboratories 990 Highland Drive Suite #203 Solana Beach, CA 92075 UNITED STATES		

Goods/Services Affected by Opposition

Class 005. First Use: 2013/05/06 First Use In Commerce: 2013/05/06 All goods and services in the class are opposed, namely: Dietary and nutritional supplements; Nutritional supplement shakes; Nutritional supplements; Powdered nutritional supplement drink mix

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
--------------------------------------	----------------------------

Mark Cited by Opposer as Basis for Opposition

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 *, namely, analgesics and pain management preparations, preparations for the treatment of cancers, preparations for the treatment of urological diseases and disorders, preparations for the treatment of schizophrenia; preparations for the treatment of diseases and disorders of the endocrine system, hormone replacement preparations *

Attachments	EndoRev (Stylized).pdf(166160 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	/James R. Meyer/
Name	James R. Meyer, Esq.
Date	06/18/2014

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Before the Trademark Trial and Appeal Board**

IN RE: Application No. 86073250
Trademark: EndoRev (Stylized)
Opposer: Endo Pharmaceuticals Inc.
Applicant: Revolution Laboratories LLC
Published: February 18, 2014
Attorney Docket No: 0222552-0124/US

NOTICE OF OPPOSITION

Commissioner for Trademarks
Alexandria, VA 22313-1451

Dear Sir or Madam:

Endo Pharmaceuticals Inc., a Delaware corporation located and doing business at 1400 Atwater Drive, Malvern, PA 19355 (“Endo”) believes it will be damaged by the registration of the above identified mark (hereinafter “Applicant’s mark”), and having sought and obtained extensions of the time to file a Notice of Opposition, hereby opposes the same.

The grounds for the opposition are as follows:

1. Endo is a U.S.-based, specialty healthcare solutions company, focused on high-value branded pharmaceutical preparations and specialty generic pharmaceutical preparations. In addition, Endo delivers an innovative suite of complementary diagnostics, drugs, devices and clinical data to meet the needs of patients in areas such as pain, urology, oncology and endocrinology.

2. Endo's predecessor first used the ENDO® trademark for pain relief tablets almost one hundred years ago, beginning in 1916. Since that time, the ENDO® name and mark has developed invaluable good will and reputation among health care providers and patients as a designator of source for prescription pharmaceutical preparations and related goods and services. Such good will, together with the registrations symbolizing such good will, are now owned by Endo.

3. Since its early use, Endo has expanded its use of the ENDO® mark to include other registered trademarks using ENDO... as a prefix, including ENDOCET® and ENDODAN®.

4. Endo uses its ENDO® name and mark as a house mark to identify its broad range of pharmaceutical and healthcare goods and services.

5. Endo is the owner of RN 2,004,648 for the ENDO® mark for pharmaceutical preparations and other registered marks beginning ENDO... for pharmaceutical preparations and related goods and services (the "ENDO® Marks").

6. Based on its long and substantially exclusive use of ENDO® and marks beginning ENDO... for prescription pharmaceutical preparations, the ENDO® Marks have acquired and maintain distinctiveness in identifying prescription pharmaceutical preparations and related goods and services sourced from or sponsored by Endo.

7. On September 24, 2013, Applicant filed its application to register EndoRev (Stylized) for "Dietary and nutritional supplements; Nutritional supplement

shakes; Nutritional supplements; Powdered nutritional supplement drink mix” based on claimed use since May 6, 2013.

8. Applicant’s EndoRev (Stylized) mark was published for opposition on February 18, 2014. Endo has sought and obtained extensions of the opposition period.

9. There is no issue as to priority. Endo’s rights in its ENDO® Marks long predate those of Applicant.

10. Endo’s rights in its ENDO® Marks are incontestable.

11. Applicant’s EndoRev (Stylized) mark is similar to the ENDO® Marks in sound, meaning and appearance.

12. Applicant’s goods as are similar to those goods on which Endo uses its ENDO® Marks.

13. Applicant’s use and registration of EndoRev (Stylized) mark for the goods of the application herein opposed will likely lead to confusion, to mistake, or to deception of the public within the meaning of Section 2(d) of the Trademark Act of 1946.

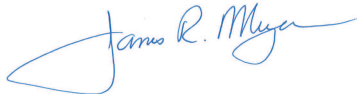
14. By reason of the foregoing, Applicant’s registration of EndoRev (Stylized) for the goods of the application herein opposed would cause injury and damage to Endo.

WHEREFORE, Opposer prays that its opposition to Application Serial No. 86073250 be sustained and that the application be refused.

Please address all correspondence to James R. Meyer, Esq. at the address below.

Respectfully submitted,

SCHNADER HARRISON SEGAL & LEWIS LLP



Dated: June 17, 2014

By:

James R. Meyer
1600 Market Street, Suite 3600
Philadelphia, PA 19103
(215) 751-2622 (voice)
trademarks@schnader.com (e-mail authorized)

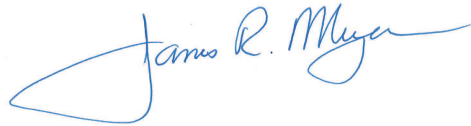
ATTORNEYS FOR OPPOSER

Certification Under 37 CFR 1.8

I hereby certify that this paper is being deposited with the United States Postal Service with sufficient postage as first-class mail under 37 CFR 1.8 on the date indicated below and is addressed to:

Jeffrey T. Santos, Esq.
Law Offices of Jeffrey T. Santos
PO Box 83987
San Diego, CA 92138

and sent by e-mail on this date to Mr. Santos at: jsantos@jts-law.com.



Dated: June 18, 2014

JAMES R. MEYER