

ESTTA Tracking number: **ESTTA629572**

Filing date: **09/26/2014**

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	SIGMA-TAU INDUSTRIE FARMACEUTICHE RIUNITE S.p.A.
Granted to Date of previous extension	09/28/2014
Address	Viale Shakespeare, 47 ROMA, I-00144 ITALY

Attorney information	Paolo A. Strino LUCAS & MERCANTI, LLP 30 Broad Street, 21st Floor New York, NY 10004 UNITED STATES info@lmiplaw.com Phone:2126618000
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Applicant Information

Application No	86091394	Publication date	04/01/2014
Opposition Filing Date	09/26/2014	Opposition Period Ends	09/28/2014
Applicant	ehealth Solutions, Inc. 575 Eighth Avenue, 15th Floor New York, NY 10018 UNITED STATES		

Goods/Services Affected by Opposition

<p>Class 039. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Electronic storage of medical records, healthcare information, namely, historical and current clinical, administrative and financial information and documents, and lifestyle information and documents in the nature of personal, recreational and social preferences and activities for remote access by healthcare consumers and for consultation, collaboration, and communication with healthcare vendors in the pharmaceutical, medical and consumer healthcare fields and healthcare professionals in the outpatient, inpatient, long term care, home health care, skilled nursing, rehabilitation, adult day care, and assisted living environments using handheld devices, mobile personal computers, or stationary personal computers</p>
<p>Class 042. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Providing online non-downloadable software for use by healthcare consumers for remote access using handheld devices, mobile personal computers, or stationary personal computers to their medical records, healthcare information, namely, historical and current clinical, administrative and financial information and documents, and lifestyle information and documents in the nature of personal, recreational and social preferences and activities, and for consultation, collaboration and communication with healthcare vendors in the pharmaceutical, medical and consumer healthcare fields and healthcare professionals in the outpatient, inpatient, long term care, home health care, skilled nursing, rehabilitation, adult day care, and as-</p>


sisted living environments using handheld devices, mobile personal computers, or stationary personal computers

Grounds for Opposition


False suggestion of a connection	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)


Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	1663145	Application Date	10/23/1989
Registration Date	11/05/1991	Foreign Priority Date	NONE
Word Mark	SIGMA-TAU PHARMACEUTICALS, INC.		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 1959/07/00 First Use In Commerce: 1987/01/00 PHARMACEUTICAL PRODUCTS FOR USE IN THE TREATMENT OF CARNITINE DEFICIENCY [, ALZHEIMER'S DISEASE] AND CARDIOVASCULAR CONDITIONS		

U.S. Registration No.	1666394	Application Date	10/23/1989
Registration Date	12/03/1991	Foreign Priority Date	NONE
Word Mark	NONE		
Design Mark			
Description of Mark	THE MARK CONSISTS OF A STYLIZED REPRESENTATION OF THE GREEK LETTER "SIGMA".		
Goods/Services	Class 005. First use: First Use: 1959/07/00 First Use In Commerce: 1987/01/00 PHARMACEUTICAL PRODUCTS FOR USE IN THE TREATMENT OF CARNITINE DEFICIENCY [, ALZHEIMER'S DISEASE] AND CARDIOVASCULAR CONDITIONS		

U.S. Registration No.	4390273	Application Date	01/05/2011
Registration Date	08/27/2013	Foreign Priority	NONE

		Date	
Word Mark	SIGMA-TAU		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 001. First use: First Use: 0 First Use In Commerce: 0 Biologically active molecules, namely, enzyme preparations, polypeptides, hormones, all being chemically modified to enhance their therapeutic properties for use in the manufacture of pharmaceuticals; chemical preparations for use in the pharmaceutical industry</p> <p>Class 005. First use: First Use: 0 First Use In Commerce: 0 Pharmaceutical preparations for the prevention and treatment of disorders of the nervous system, the immune system, the cardio-vascular system including diabetes and metabolic diseases, the respiratory system, the musculoskeletal system, the genitourinary system, for the treatment of inflammatory disorders, for use in dermatology, in hematology, in oncology, in transplantation, in ophthalmology, for use in gastroenterological areas and the prevention and treatment of ocular disorders or diseases, anti-infectives, pharmaceutical preparations treating bacterial-bases disease, antivirals, antibiotics, antifungals, vaccines, diagnostic preparations for medical use; dietary and food supplements for use in the nutritional and alimentary industries</p> <p>Class 042. First use: First Use: 0 First Use In Commerce: 0 Medical research; scientific research; industrial research in the field of pharmaceutical preparations for the treatment of human diseases</p>		

U.S. Application No.	79147460	Application Date	03/31/2014
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	PROXANA SIGMA-TAU		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 005. First use: First Use: 0 First Use In Commerce: 0 Pharmaceutical and veterinary preparations; sanitary preparations for medical purposes; dietetic substances adapted for medical use, food for babies; plasters, materials for dressings; material for stopping teeth, dental wax; disinfectants; preparations for destroying vermin; fungicides, herbicides</p>		

U.S. Registration No.	4223693	Application Date	02/24/2011
Registration Date	10/16/2012	Foreign Priority Date	09/30/2010

Word Mark	SIGMA-TAU CARNITINES
Design Mark	SIGMA-TAU CARNITINES
Description of Mark	NONE
Goods/Services	<p>Class 001. First use: First Use: 0 First Use In Commerce: 0 Chemical products for the pharmaceutical, nutritional and food industry, namely, carnitine, its salts and derivatives for use in the production of pharmaceutical preparations, dietetic substances and foodstuffs; chemical substances, namely, carnitine, its salts and derivatives for the manufacture of pharmaceuticals, dietetic or nutritional products</p> <p>Class 005. First use: First Use: 0 First Use In Commerce: 0 Pharmaceutical and veterinary preparations containing L-carnitine, its salts and derivatives thereof for pharmaceutical use, namely, preparations for the treatment or prevention of cardiovascular diseases, cancer diseases, kidney diseases, diseases and disorders of fat and glucose metabolism, primary and secondary L-carnitine deficiency, male infertility, mental and cognitive diseases, liver diseases, HIV and AIDS, trauma and sepsis, malnutrition, aging and bone loss; sanitary preparations for medical purposes; dietetic substances adapted for medical use containing L-carnitine, its salts and derivatives as an ingredient, namely, L-carnitine, its salts and derivatives thereof as dietetic substances adapted for medical use and as foodstuffs for medical use; medical plasters; material for stopping teeth; dental wax; all purpose disinfectants; preparations for destroying vermin; fungicides, herbicides</p>

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	SIGMA-TAU HEALTHSCIENCE		
Goods/Services	Goods: Pharmaceuticals; dietary and nutritional supplements Services: research and development services in the pharmaceutical and healthcare field; database and information services, sometimes provided electronically, including but not limited to providing extensive healthcare information and communication with healthcare providers and consumers in the pharmaceutical, medical and healthcare fields.		

Attachments	73833091#TMSN.png(bytes) 85210758#TMSN.png(bytes) 79147460#TMSN.png(bytes) 79099740#TMSN.png(bytes) CON-74-TM-OPP Notice of Opposition for Filing.pdf(672016 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	/PAS/
Name	Paolo A. Strino
Date	09/26/2014

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

In re Serial No.: 86/091,394
Mark: SIGMAHEALTH
Published in the Official Gazette on April 1, 2014

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SIGMA-TAU INDUSTRIE :
FARMACEUTICHE RIUNITE S.P.A. :
:
Opposer, :
:
v. : Opposition No. _____
:
EHEALTH SOLUTIONS, INC. :
:
Applicant. :
:
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NOTICE OF OPPOSITION

Honorable Commissioner for Trademarks
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

In the matter of Trademark Application Serial No. 86/091,394 for the mark
SIGMAHEALTH filed on October 15, 2013 and published for opposition in the Official Gazette
on April 1, 2014:

SIGMA-TAU INDUSTRIE FARMACEUTICHE RIUNITE S.P.A., a corporation
organized and existing under the laws of Italy, having address at Viale Shakespeare, 47, Rome,
Italy, 00144 (hereinafter "Opposer") believes that it will be damaged by the registration of the
marks shown in the above-identified applications, and hereby opposes the same.

The grounds for opposition are as follows:

COUNT I

1. On Oct. 15, 2013, Applicant EHEALTH SOLUTIONS, INC. (hereinafter “Applicant”) filed the following trademark application:

<u>Mark</u>	<u>Serial No.</u>	<u>Goods/Services</u>	<u>Filing Basis</u>
SIGMAHEALTH	86,091/394	In International Class 39 Electronic storage of medical records, healthcare information, namely, historical and current clinical, administrative and financial information and documents, and lifestyle information and documents in the nature of personal, recreational and social preferences and activities for remote access by healthcare consumers and for consultation, collaboration, and communication with healthcare vendors in the pharmaceutical, medical and consumer healthcare fields and healthcare professionals in the outpatient, inpatient, long term care, home health care, skilled nursing, rehabilitation, adult day care, and assisted living environments using handheld devices, mobile personal computers, or stationary personal computers.	Intent to Use under Section 1(b)
		In International Class 42 Providing online non-downloadable software for use by healthcare consumers for remote access using handheld devices, mobile personal computers, or stationary personal	

computers to their medical records, healthcare information, namely, historical and current clinical, administrative and financial information and documents, and lifestyle information and documents in the nature of personal, recreational and social preferences and activities, and for consultation, collaboration and communication with healthcare vendors in the pharmaceutical, medical and consumer healthcare fields and healthcare professionals in the outpatient, inpatient, long term care, home health care, skilled nursing, rehabilitation, adult day care, and assisted living environments using handheld devices, mobile personal computers, or stationary personal computers.

2. To the best of Opposer's knowledge, Applicant is a corporation organized under the laws of the State of Delaware, having address at 575 Eighth Avenue, 15th Floor, New York NEW YORK 10018.

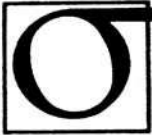
3. Opposer, by itself, its predecessors and affiliated companies, including Sigma-Tau Healthscience, LLC. (a corporation of Delaware), has been engaged for many years in the research, manufacture and marketing of pharmaceuticals, nutritional supplements and the like. Opposer is the lead company of the Sigma-Tau Group, an international pharmaceutical multinational engaged in the research, development and manufacturing of prescription and over the counter medications, as well as a wide range of dietary supplements adapted for medical use.

4. Opposer by itself, its predecessors and affiliated companies, including Sigma-Tau Healthscience, LLC., has provided for many years database and information services, including

but not limited to extensive healthcare information and communication with healthcare providers and consumers in the pharmaceutical, medical and healthcare fields. Among other things, Opposer has invested over forty years in developing one of the most extensive, and impressive library of L-Carnitine science in the world, currently provided under the trademark SIGMA-TAU HEALTHSCIENCE.

5. Opposer has been selling, distributing and providing its goods and services under the marks SIGMA-TAU PHARMACEUTICALS, INC., SIGMA-TAU PHARMACEUTICALS, SIGMA-TAU and SIGMA LOGO (collectively “Opposer’s trademarks”) throughout the United States. As a result of the widespread use in interstate commerce, Opposer’s trademarks have acquired extensive goodwill, and are well known and recognized by the public.

6. Opposer, by itself, its predecessors and affiliated companies owns the following U.S. trademark registrations:

SIGMA-TAU PHARMACEUTICALS, INC.	1,663,145	Pharmaceutical products for use in the treatment of carnitine deficiency, and cardiovascular conditions in International Class 5
	1,666,394	Pharmaceutical products for use in the treatment of carnitine deficiency, cardiovascular conditions in International Class 5
SIGMA-TAU	4,390,273	Biologically active molecules, namely, enzyme preparations, polypeptides, hormones, all being chemically modified to enhance their therapeutic properties for use in the manufacture of pharmaceuticals; chemical preparations for use in the pharmaceutical industry in International Class 1 Pharmaceutical preparations for the prevention

		<p>and treatment of disorders of the nervous system, the immune system, the cardiovascular system including diabetes and metabolic diseases, the respiratory system, the musculoskeletal system, the genitourinary system, for the treatment of inflammatory disorders, for use in dermatology, in hematology, in oncology, in transplantation, in ophthalmology, for use in gastroenterological areas and the prevention and treatment of ocular disorders or diseases, anti-infectives, pharmaceutical preparations treating bacterial-bases disease, antivirals, antibiotics, antifungals, vaccines, diagnostic preparations for medical use; dietary and food supplements for use in the nutritional and alimentary industries, in International Class 5</p> <p>Medical research; scientific research; industrial research in the field of pharmaceutical preparations for the treatment of human diseases, in International Class 42</p>
PROXANA SIGMA-TAU Ser.	No.: 79/147,460	<p>Pharmaceutical and veterinary preparations; sanitary preparations for medical purposes; dietetic substances adapted for medical use, food for babies; plasters, materials for dressings; material for stopping teeth, dental wax; disinfectants; preparations for destroying vermin; fungicides, herbicides in International Class 5</p>
SIGMA-TAU CARNITINES	4,223,693	<p>Chemical products for the pharmaceutical, nutritional and food industry, namely, carnitine, its salts and derivates for use in the production of pharmaceutical preparations, dietetic substances and foodstuffs; chemical substances, namely, carnitine, its salts and derivates for the manufacture of pharmaceuticals, dietetic or nutritional products, in International Class 1</p> <p>Pharmaceutical and veterinary preparations containing L-carnitine, its salts and derivatives</p>

		thereof for pharmaceutical use, namely, preparations for the treatment or prevention of cardiovascular diseases, cancer diseases, kidney diseases, diseases and disorders of fat and glucose metabolism, primary and secondary L-carnitine deficiency, male infertility, mental and cognitive diseases, liver diseases, HIV and AIDS, trauma and sepsis, malnutrition, aging and bone loss; sanitary preparations for medical purposes; dietetic substances adapted for medical use containing L-carnitine, its salts and derivatives as an ingredient, namely, L-carnitine, its salts and derivatives thereof as dietetic substances adapted for medical use and as foodstuffs for medical use; medical plasters; material for stopping teeth; dental wax; all purpose disinfectants; preparations for destroying vermin; fungicides, herbicides, in International Class 5
SIGMA-TAU PHARMASOURCE	4,510,992	<p>Biologically active molecules, namely, preparations of enzymes, polypeptides, hormones, chemically modified so as to enhance their therapeutic properties for use in the manufacture of pharmaceuticals, in International Class 1</p> <p>Pharmaceutical preparations, namely, biologically active molecules, namely, preparations of enzymes, polypeptides, hormones, chemically modified so as to enhance their therapeutic properties for use in oncology and immunology and for the prevention and the treatment of viral and infectious diseases, in International Class 5</p>

7. The mentioned registrations and applications are valid and subsisting. Copies of current status printouts from the Trademark Electronic Search System (TESS) are attached as Exhibit A.

8. Opposer, together with its affiliated companies and predecessors, has also established proprietary trademark rights under common law, through the long and exclusive use of Opposer's trademarks on a wide variety of pharmaceutical preparations and related research and development services. These items include medications to treat immunodeficiency diseases and fungal infections, chemotherapeutic agents, treatments for ulcerative colitis etc. Consequently, Opposer's trademarks have become distinctive of many goods and services that extend beyond the identification provided in above-referenced registrations. Opposer's common law rights have been acquired much earlier than the filing dates of the opposed application.

9. Opposer, together with its affiliated companies and predecessors, has established proprietary trademark rights under common law for the mark SIGMA-TAU HEALTH SCIENCE in connection with various database and information services including but not limited to providing extensive healthcare information and communication with healthcare providers and consumers in the pharmaceutical, medical and healthcare fields. Opposer has invested over forty years in developing the most extensive, and impressive library of L-Carnitine science in the world, currently provided under the trademark SIGMA-TAU HEALTH SCIENCE.

10. The number and variety of trademarks that Opposer has acquired, establish clearly a family of marks, all containing the word SIGMA.

11. Applicants' proposed mark SIGMAHEALTH is similar to Opposer's trademarks in sound, appearance, meaning, and commercial impression. Moreover, Applicant is seeking registration in the same class and or in connection with services similar or related to the goods and services provided under Opposer's trademarks, particularly under the mark SIGMA-TAU HEALTH SCIENCE. Accordingly, consumers encountering these products or services under their respective marks are likely to assume that they originate at the same source, or that there is some association, endorsement or sponsorship between their sources. Therefore, the Board should find that there is likelihood of confusion under Section 2(d) between Applicant's opposed mark and Opposer's trademarks.

COUNT II

12. Opposer repeats and realleges the allegations set forth in paragraphs 1 through 13 as though set forth herein.

13. Applicant's mark falsely suggest a connection with Opposer's persona in violation of Section 2(a) of the Trademark Act.

14. Applicant's mark is a close approximation of the name or identity by Opposer, i.e. Sigma-Tau Healthscience, LLC.

15. The mark in the opposed application points to Opposer, particularly to its identity as personified by Sigma-Tau Healthscience, LLC., and Opposer is not connected with the activities performed by Applicant. In fact, Applicant's mark is a close approximation of Opposer's identity and would be recognized as such.

16. Opposer and Sigma-Tau Healthscience, LLC. are not connected with the activities performed by Applicant under the mark;

17. The reputation of Opposer and of Sigma-Tau Healthscience, LLC are sufficient that when the applied-for mark is used to identify Applicant's services, a connection with Opposer, included its personification as Sigma-Tau Healthscience, LLC would be presumed.

18. As a result, Applicant's marks undoubtedly contain important elements of Opposer's identity, thus falsely suggesting a connection with Opposer.

WHEREFORE, Opposer prays that registration of the marks SIGMAHEALTH in U.S. Appl. No. 86/091,394 be refused and that this opposition be sustained.

A fee in the amount of \$600 as required by 37 CFR §2.6(a)(17) was submitted electronically together with the original pleadings, for each party joined as opposer, for each class in which registration is opposed, in each application against which the opposition is filed. See T.B.M.P §305.

The Commissioner is authorized to draw on the Deposit Account of Lucas & Mercanti LLP, Account No. 02/2275, with reference to file CON-1108-TM-74-OPP, if any required fees have been inadvertently omitted.

Please recognize as attorneys for Opposer in this proceeding, Paolo A. Strino, and Donald C. Lucas of LUCAS & MERCANTI LLP, 30 Broad Street, New York, New York, 10004.

Respectfully Submitted,

Dated: September 26, 2014

By: 

Paolo A. Strino, Esq.
Donald C. Lucas, Esq.
LUCAS & MERCANTI LLP
30 Broad Street
New York, NY 10004
(212) 661-8000
info@lmiplaw.com

ATTORNE

YS FOR OPPOSER

CERTIFICATE OF SERVICE AND FILING

I hereby certify that a true and complete copy of the foregoing NOTICE OF OPPOSITION, including any exhibits thereof, has been served on Applicant, by mailing said copy on September 26, 2014, via First Class Mail, postage prepaid to Applicant's attorney of record, Emilia F. Cannella of Ropes & Gray LLP, at 800 Boylston St. Ste 3600, Boston, MA 02199-3600.

The undersigned further certifies that this correspondence is being transmitted electronically to the Commissioner for Trademarks on September 26, 2014, by filing the same electronically at <http://estta.uspto.gov/filing-type.jsp>

By



Paolo A. Strino
LUCAS & MERCANTI LLP
30 Broad Street
New York, NY 10004
Tel: (212) 661-8000
Email: info@lmiplaw.com

EXHIBIT A

Generated on: This page was generated by TSDR on 2014-09-26 13:59:25 EDT

Mark:



US Serial Number: 73833091 **Application Filing Date:** Oct. 23, 1989
US Registration Number: 1666394 **Registration Date:** Dec. 03, 1991
Register: Principal
Mark Type: Trademark
Status: The registration has been renewed.
Status Date: Dec. 07, 2011
Publication Date: Sep. 10, 1991

Mark Information

Mark Literal Elements: None
Standard Character Claim: No
Mark Drawing Type: 2 - AN ILLUSTRATION DRAWING WITHOUT ANY WORDS(S)/ LETTER(S)/NUMBER(S)
Description of Mark: THE MARK CONSISTS OF A STYLIZED REPRESENTATION OF THE GREEK LETTER "SIGMA".
Design Search Code(s): 26.09.02 - Squares, plain single line; Plain single line squares
28.01.05 - Greek characters; Alpha (Greek letter); Omega (Greek letter)
28.01.25 - Cyrillic characters (Russian); Hieroglyphic characters; Inscriptions in other non-Latin characters; Russian characters (Cyrillic)

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (()) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *,* identify additional (new) wording in the goods/services.

For: PHARMACEUTICAL PRODUCTS FOR USE IN THE TREATMENT OF CARNITINE DEFICIENCY [, ALZHEIMER'S DISEASE] AND CARDIOVASCULAR CONDITIONS

International Class(es): 005 - Primary Class

U.S Class(es): 006, 018, 044, 046, 051, 052

Class Status: ACTIVE

Basis: 1(a)

First Use: Jul. 1959

Use in Commerce: Jan. 1987

Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: SIGMA-TAU INDUSTRIE FARMACEUTICHE RIUNITE S.P.A.
Owner Address: VIALE SHAKESPEARE 47
ROME 00144
ITALY
Legal Entity Type: CORPORATION **State or Country Where Organized:** ITALY

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Michael N. Mercanti
Attorney Primary Email Address: info@lmiplaw.com

Docket Number: CON-1108-TM-
Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Michael N. Mercanti
LUCAS & MERCANTI, LLP
30 BROAD STREET, 21st FLOOR
New York, NEW YORK 10004
UNITED STATES

Phone: 212-661-8000

Fax: 212-661-8002

Correspondent e-mail: info@lmiplaw.com

Correspondent e-mail Authorized: Yes

Domestic Representative

Domestic Representative Name: Michael N. Mercanti

Phone: 2126618000

Fax: 2126618002

Domestic Representative e-mail: info@lmiplaw.com

Domestic Representative e-mail Authorized: Yes

Prosecution History

Date	Description	Proceeding Number
Mar. 19, 2014	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Dec. 07, 2011	REGISTERED AND RENEWED (SECOND RENEWAL - 10 YRS)	68502
Dec. 07, 2011	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	68502
Dec. 07, 2011	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	68502
Nov. 04, 2011	TEAS SECTION 8 & 9 RECEIVED	
Jan. 07, 2009	CASE FILE IN TICRS	
Jan. 12, 2002	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	
Jan. 12, 2002	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Oct. 16, 2001	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
Aug. 11, 1997	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	
Dec. 03, 1991	REGISTERED-PRINCIPAL REGISTER	
Sep. 10, 1991	PUBLISHED FOR OPPOSITION	
Aug. 14, 1991	NOTICE OF PUBLICATION	
Aug. 13, 1991	NOTICE OF PUBLICATION	
Aug. 10, 1991	NOTICE OF PUBLICATION	
Mar. 25, 1991	APPROVED FOR PUB - PRINCIPAL REGISTER	
Mar. 08, 1991	EXAMINER'S AMENDMENT MAILED	
Feb. 06, 1991	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Aug. 06, 1990	FINAL REFUSAL MAILED	
Jul. 09, 1990	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Jun. 16, 1990	ASSIGNED TO EXAMINER	67431
Jan. 09, 1990	NON-FINAL ACTION MAILED	
Dec. 26, 1989	ASSIGNED TO EXAMINER	61486

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Dec. 03, 2011

TM Staff and Location Information

TM Staff Information - None
File Location

Proceedings

Summary

Number of Proceedings: 3

Type of Proceeding: Opposition

Proceeding Number: [91196802](#)

Filing Date: Oct 06, 2010

Status: Pending

Status Date: Oct 06, 2010

Interlocutory Attorney: GEORGE POLOGEORGIS

Defendant

Name: SigmaPharm Laboratories, LLC

Correspondent Address: SUSAN M SCHLESINGER
MEISTER SEELIG FEIN LLP
125 PARK AVENUE, 7TH FLOOR
NEW YORK NY , 10017
UNITED STATES

Correspondent e-mail: sms@msf-law.com , jpw@msf-law.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
SIGMAPHARM	Opposition Pending	77712535	
SIGMAPHARM	Opposition Pending	77712553	
SIGMAPHARM LABORATORIES	Opposition Pending	77712545	
SIGMAPHARM LABORATORIES	Opposition Pending	77712558	

Plaintiff(s)

Name: Sigma-Tau Industrie Farmaceutiche Riunite S.P.A.

Correspondent Address: PAOLO A STRINO
LUCAS & MERCANTI LLP
30 Broad Street
NEW YORK NY , 10004
UNITED STATES

Correspondent e-mail: info@lmiplaw.com , pas@lmiplaw.com , tvetter@lmiplaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
SIGMA-TAU PHARMACEUTICALS, INC.	Renewed	73833092	1663145
	Renewed	73833091	1666394

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Oct 06, 2010	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Oct 06, 2010	Nov 15, 2010
3	PENDING, INSTITUTED	Oct 06, 2010	
4	ANSWER	Nov 15, 2010	
5	P MOT TO STRIKE	Dec 03, 2010	
6	SUSPENDED PENDING DISP OF OUTSTNDNG MOT	Dec 07, 2010	
7	D OPP/RESP TO MOTION	Dec 20, 2010	
8	D OPP/RESP TO MOTION	Dec 20, 2010	
9	CONSOLIDATED - PARENT OF 91196807	Feb 14, 2011	
10	STIP FOR EXT	Apr 21, 2011	
11	EXTENSION OF TIME GRANTED	Apr 21, 2011	
12	STIP FOR EXT	Sep 02, 2011	
13	EXTENSION OF TIME GRANTED	Sep 02, 2011	
14	STIP FOR EXT	Nov 11, 2011	
15	EXTENSION OF TIME GRANTED	Nov 11, 2011	
16	STIP FOR EXT	Jan 09, 2012	

17	EXTENSION OF TIME GRANTED	Jan 10, 2012
18	STIP FOR EXT	Mar 09, 2012
19	EXTENSION OF TIME GRANTED	Mar 09, 2012
20	STIP FOR EXT	May 23, 2012
21	EXTENSION OF TIME GRANTED	May 23, 2012
22	STIP FOR EXT	Aug 01, 2012
23	EXTENSION OF TIME GRANTED	Aug 01, 2012
24	CHANGE OF CORRESPONDENCE ADDRESS	Sep 13, 2012
25	STIP FOR EXT	Sep 25, 2012
26	EXTENSION OF TIME GRANTED	Sep 25, 2012
27	STIPULATED PROTECTIVE AGREEMENT	Sep 25, 2012
28	STIP PROTECTIVE ORDER NOTED AND APPROVED	Sep 26, 2012
29	STIP FOR EXT	Oct 31, 2012
30	EXTENSION OF TIME GRANTED	Oct 31, 2012
31	P MOT TO SUSPEND PENDING DISPOSITION OF D MOT FOR SJ	Feb 04, 2013
32	CONF D MOT FOR SJ & EXHS A-S	Jan 25, 2013
33	CONF D MOT FOR SJ & EXHS T-Z, AA-KK	Jan 25, 2013
34	REDACTED D MOT FOR SJ & EXHS A-Z	Jan 25, 2013
35	REDACTED D MOT FOR SJ & EXHS AA-KK	Jan 25, 2013
36	SUSPENDED PENDING DISP OF OUTSTNDNG MOT	Feb 05, 2013
37	CONF P OPP TO MOT FOR SJ & EXHS A-DD	Feb 22, 2013
38	REDACTED P OPP TO MOT FOR SJ & EXHS A-DD	Feb 22, 2013
39	D REPLY IN SUPPORT OF MOT FOR SJ	Mar 07, 2013
40	D MOT FOR SUMMARY JGT DENIED	Mar 27, 2013
41	D'S MOT FOR RECON OF BOARD'S 3/27/2013 ORDER	Apr 12, 2013
42	D MEM OF LAW IN SUPPORT OF MOT FOR RECON	Apr 12, 2013
43	P MOT TO AMEND PLEADING/AMENDED PLEADING	Apr 16, 2013
44	P OPP TO MOT FOR RECON	Apr 26, 2013
45	D OPP TO P MOT TO AMEND NOT OF OPP	May 01, 2013
46	ANSWER AND COUNTERCLAIM (FEE)	May 06, 2013
47	P'S MOT TO AMEND ID OF PLEADED REGISTRATION	May 30, 2013
48	P'S MOT. TO SUSPEND PENDING DISP OF MOTIONS	May 30, 2013
49	D'S CONSENT TO P'S MOT. TO SUSPEND PENDING DISP OF MOTIONS	Jun 07, 2013
50	SUSP PEND DISP OF OUTSTNDNG MOT	Jun 14, 2013
51	PROCEEDINGS RESUMED	Sep 19, 2013
52	P NOTICE OF TAKING TESTIMONY	Oct 07, 2013
53	P NOTICE OF TAKING TESTIMONY	Oct 07, 2013
54	P NOT OF RELIANCE AND EXHIBITS	Oct 22, 2013
55	CONF P NOTICE OF RELIANCE AND EXHIBITS	Oct 22, 2013
56	P NOT OF RELIANCE AND EXHIBITS	Oct 22, 2013
57	P NOT OF RELIANCE AND EXHIBITS	Oct 22, 2013
58	P NOT OF RELIANCE AND EXHIBITS	Oct 22, 2013
59	P NOT OF RELIANCE AND EXHIBITS	Oct 25, 2013
60	P'S MOT TO EXTEND TIME TO OBTAIN WITNESS' SIGNATURE FOR DEPO TRANSCRIPT	Nov 15, 2013
61	D NOTICE OF TAKING TESTIMONY	Nov 22, 2013
62	D NOTICE OF TAKING TESTIMONY	Nov 22, 2013
63	P TESTIMONY: DEPO OF GIANFRANCO FORNASINI & EXHS	Nov 22, 2013
64	P TESTIMONY: DEPO OF NICHOL MUZRIM & EXHS	Dec 09, 2013

65	TRIAL DATES REMAIN AS SET	Dec 10, 2013
66	D NOT OF RELIANCE AND EXHIBITS A-C	Dec 23, 2013
67	D NOT OF RELIANCE AND EXHIBITS A-Z	Dec 23, 2013
68	D NOT OF RELIANCE AND EXHIBITS AA-II, JJ-NN, OO-YY, ZZ-EEE, FFF-HHH	Dec 23, 2013
69	D NOT OF RELIANCE EXHIBITS III -	Dec 23, 2013
70	CONF D NOT OF REL & EXHS JJJ - KKK	Dec 23, 2013
71	REDACTED D NOT OF REL & EXHS JJJ-KKK	Dec 23, 2013
72	CONF D NOTICE OF REL & EXH LLL	Dec 23, 2013
73	REDACTED D NOT OF REL & EXH LLL	Dec 23, 2013
74	CONF DEPO OF SPIRO SPIREAS PHD AND EXHIBITS	Jan 02, 2014
75	REDACTED DEPO OF SPIRO SPIREAS PHD AND EXHIBITS	Jan 02, 2014
76	CONF P REBUTTAL NOT OF REL AND EXHIBITS	Feb 07, 2014
77	REDACTED P REBUTTAL NOT OF RELIANCE AND EXHIBITS	Feb 07, 2014
78	CHANGE OF CORRESP ADDRESS	Apr 07, 2014
79	P STATEMENT OF EVIDENTIARY OBJECTIONS	Apr 07, 2014
80	CONF P BRIEF	Apr 07, 2014
81	REDACTED P BRIEF	Apr 07, 2014
82	CONF D BRIEF	May 07, 2014
83	REDACTED D BRIEF	May 07, 2014
84	D STATEMENT OF EVIDENTIARY OBJECTIONS	May 07, 2014
85	D REQ FOR ORAL HEARING	May 09, 2014
86	REDACTED P REPLY BRIEF	May 22, 2014
87	CONF P REPLY BRIEF	May 22, 2014
88	BD ORDER	Aug 04, 2014
89	CHANGE OF CORRESP ADDRESS	Aug 13, 2014

Type of Proceeding: Opposition

Proceeding Number: [91196805](#)

Filing Date: Oct 06, 2010

Status: Terminated

Status Date: Oct 15, 2010

Interlocutory Attorney: MARY CATHERINE FAINT

Defendant

Name: SigmaPharm Laboratories, LLC

Correspondent Address: INNA FAYENSON
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UNITED STATES

Correspondent e-mail: ip@msf-law.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
SIGMAPHARM	Opposition Pending	77712535	
SIGMAPHARM	Opposition Pending	77712553	
SIGMAPHARM LABORATORIES	Opposition Pending	77712545	
SIGMAPHARM LABORATORIES	Opposition Pending	77712558	

Plaintiff(s)

Name: SIGMA-TAU INDUSTRIE FARMACEUTICHE RIUNITE S.P.A.

Correspondent Address: Paolo A. Strino
Lucas & Mercanti LLP
475 Park Avenue South
New York NY , 10016
UNITED STATES

Correspondent e-mail: info@lmplaw.com

Associated marks

Mark	Application Status	Serial Number	Registration
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			Number
SIGMA-TAU PHARMACEUTICALS, INC.	Renewed	73833092	1663145
	Renewed	73833091	1666394

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Oct 06, 2010	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Oct 06, 2010	Nov 15, 2010
3	PENDING, INSTITUTED	Oct 06, 2010	
4	BOARD'S DECISION: DISMISSED AS MOOT	Oct 15, 2010	
5	TERMINATED	Oct 15, 2010	

Type of Proceeding: Opposition

Proceeding Number: 91196807	Filing Date: Oct 06, 2010
Status: Pending	Status Date: Oct 06, 2010
Interlocutory Attorney: GEORGE POLOGEORGIS	

Defendant	
Name:	SigmaPharm Laboratories, LLC
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Correspondent e-mail:	sms@msf-law.com , jpw@msf-law.com

Associated marks			
Mark	Application Status	Serial Number	Registration Number
SIGMAPHARM LABORATORIES	Opposition Pending	77712521	
SIGMAPHARM LABORATORIES	Opposition Pending	77712565	

Plaintiff(s)	
Name:	Sigma-Tau Industrie Farmaceutiche Riunite S.P.A.
Correspondent Address:	PAOLO A STRINO LUCAS & MERCANTI LLP 475 PARK AVENUE SOUTH , 15TH FLOOR NEW YORK NY , 10016 UNITED STATES
Correspondent e-mail:	info@lmiplaw.com

Associated marks			
Mark	Application Status	Serial Number	Registration Number
SIGMA-TAU PHARMACEUTICALS, INC.	Renewed	73833092	1663145
	Renewed	73833091	1666394

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Oct 06, 2010	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Oct 06, 2010	Nov 15, 2010
3	PENDING, INSTITUTED	Oct 06, 2010	
4	ANSWER	Nov 15, 2010	
5	P'S MOTION TO STRIKE	Dec 03, 2010	
6	D'S RESPONSE TO MOT TO STRIKE	Dec 20, 2010	
7	D'S AMENDED CERTIFICATE OF SERVICE	Dec 20, 2010	
8	CONSOLIDATED - CHILD OF 91196802	Feb 14, 2011	
9	D MOT FOR SUMMARY JGT DENIED	Mar 27, 2013	
10	P MOT TO AMEND PLEADING/AMENDED PLEADING	Apr 16, 2013	
11	P CHANGE OF CORRESP ADDRESS	May 01, 2013	
12	D OPP/RESP TO MOTION ANSWER	May 01, 2013	

13

ANSWER

May 06, 2013

14

BD ORDER

Aug 04, 2014

Side - 1



**NOTICE OF ACCEPTANCE OF §8
DECLARATION AND §9 RENEWAL
MAILING DATE: Dec 7, 2011**

The declaration and renewal application filed in connection with the registration identified below meets the requirements of Sections 8 and 9 of the Trademark Act, 15 U.S.C. §§1058 and 1059. The declaration is accepted and renewal is granted. The registration remains in force.

For further information about this notice, visit our website at: <http://www.uspto.gov>. To review information regarding the referenced registration, go to <http://tarr.uspto.gov>.

REG NUMBER: 1666394
MARK: MISCELLANEOUS DESIGN
OWNER: SIGMA-TAU INDUSTRIE FARMACEUTICHE RIUNIT

Side - 2

UNITED STATES PATENT AND TRADEMARK OFFICE
COMMISSIONER FOR TRADEMARKS
P.O. BOX 1451
ALEXANDRIA, VA 22313-1451

FIRST-CLASS
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Docket Number: CON-1108-TM-
Attorney Email Authorized: Yes

Correspondent

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Domestic Representative e-mail: info@lmiplaw.com

Domestic Representative e-mail Authorized: Yes

Prosecution History

Date	Description	Proceeding Number
Aug. 06, 2014	AMENDMENT UNDER SECTION 7 - ISSUED	67657
Sep. 19, 2013	SEC 7 REQUEST FILED	67657
Sep. 19, 2013	PAPER RECEIVED	
Mar. 19, 2014	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Mar. 19, 2014	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Dec. 06, 2011	REGISTERED AND RENEWED (SECOND RENEWAL - 10 YRS)	70131
Dec. 06, 2011	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	70131
Dec. 05, 2011	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	70131
Nov. 01, 2011	TEAS SECTION 8 & 9 RECEIVED	
Jan. 07, 2009	CASE FILE IN TICRS	
Jan. 12, 2002	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	
Jan. 12, 2002	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Oct. 16, 2001	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
Aug. 11, 1997	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	
Nov. 05, 1991	REGISTERED-PRINCIPAL REGISTER	
Dec. 11, 1990	PUBLISHED FOR OPPOSITION	
Nov. 10, 1990	NOTICE OF PUBLICATION	
Aug. 30, 1990	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jul. 09, 1990	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Jun. 16, 1990	ASSIGNED TO EXAMINER	66508
Jan. 08, 1990	NON-FINAL ACTION MAILED	
Dec. 26, 1989	ASSIGNED TO EXAMINER	61486

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Filed: Yes

Renewal Date: Nov. 05, 2011

Change in Registration: Yes

Amendment to a Registration/Renewal Certificate: In the statement, Column 1, line 7, ", ALZHEIMER'S DISEASE" is deleted.

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: POST REGISTRATION

Date in Location: Aug. 06, 2014

Proceedings

Summary

Number of Proceedings: 3

Type of Proceeding: Opposition

Proceeding Number: [91196802](#)

Filing Date: Oct 06, 2010

Status: Pending

Status Date: Oct 06, 2010

Interlocutory Attorney: GEORGE POLOGEORGIS

Defendant

Name: SigmaPharm Laboratories, LLC

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Correspondent e-mail: sms@msf-law.com , jpw@msf-law.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
SIGMAPHARM	Opposition Pending	77712535	
SIGMAPHARM	Opposition Pending	77712553	
SIGMAPHARM LABORATORIES	Opposition Pending	77712545	
SIGMAPHARM LABORATORIES	Opposition Pending	77712558	

Plaintiff(s)

Name: Sigma-Tau Industrie Farmaceutiche Riunite S.P.A.

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Correspondent e-mail: info@lmiplaw.com , pas@lmiplaw.com , tvetter@lmiplaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
SIGMA-TAU PHARMACEUTICALS, INC.	Renewed	73833092	1663145
	Renewed	73833091	1666394

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Oct 06, 2010	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Oct 06, 2010	Nov 15, 2010
3	PENDING, INSTITUTED	Oct 06, 2010	
4	ANSWER	Nov 15, 2010	
5	P MOT TO STRIKE	Dec 03, 2010	
6	SUSPENDED PENDING DISP OF OUTSTNDNG MOT	Dec 07, 2010	
7	D OPP/RESP TO MOTION	Dec 20, 2010	
8	D OPP/RESP TO MOTION	Dec 20, 2010	
9	CONSOLIDATED - PARENT OF 91196807	Feb 14, 2011	
10	STIP FOR EXT	Apr 21, 2011	
11	EXTENSION OF TIME GRANTED	Apr 21, 2011	
12	STIP FOR EXT	Sep 02, 2011	
	EXTENSION OF TIME GRANTED		

13	EXTENSION OF TIME GRANTED	Sep 02, 2011
14	STIP FOR EXT	Nov 11, 2011
15	EXTENSION OF TIME GRANTED	Nov 11, 2011
16	STIP FOR EXT	Jan 09, 2012
17	EXTENSION OF TIME GRANTED	Jan 10, 2012
18	STIP FOR EXT	Mar 09, 2012
19	EXTENSION OF TIME GRANTED	Mar 09, 2012
20	STIP FOR EXT	May 23, 2012
21	EXTENSION OF TIME GRANTED	May 23, 2012
22	STIP FOR EXT	Aug 01, 2012
23	EXTENSION OF TIME GRANTED	Aug 01, 2012
24	CHANGE OF CORRESPONDENCE ADDRESS	Sep 13, 2012
25	STIP FOR EXT	Sep 25, 2012
26	EXTENSION OF TIME GRANTED	Sep 25, 2012
27	STIPULATED PROTECTIVE AGREEMENT	Sep 25, 2012
28	STIP PROTECTIVE ORDER NOTED AND APPROVED	Sep 26, 2012
29	STIP FOR EXT	Oct 31, 2012
30	EXTENSION OF TIME GRANTED	Oct 31, 2012
31	P MOT TO SUSPEND PENDING DISPOSITION OF D MOT FOR SJ	Feb 04, 2013
32	CONF D MOT FOR SJ & EXHS A-S	Jan 25, 2013
33	CONF D MOT FOR SJ & EXHS T-Z, AA-KK	Jan 25, 2013
34	REDACTED D MOT FOR SJ & EXHS A-Z	Jan 25, 2013
35	REDACTED D MOT FOR SJ & EXHS AA-KK	Jan 25, 2013
36	SUSPENDED PENDING DISP OF OUTSTNDNG MOT	Feb 05, 2013
37	CONF P OPP TO MOT FOR SJ & EXHS A-DD	Feb 22, 2013
38	REDACTED P OPP TO MOT FOR SJ & EXHS A-DD	Feb 22, 2013
39	D REPLY IN SUPPORT OF MOT FOR SJ	Mar 07, 2013
40	D MOT FOR SUMMARY JGT DENIED	Mar 27, 2013
41	D'S MOT FOR RECON OF BOARD'S 3/27/2013 ORDER	Apr 12, 2013
42	D MEM OF LAW IN SUPPORT OF MOT FOR RECON	Apr 12, 2013
43	P MOT TO AMEND PLEADING/AMENDED PLEADING	Apr 16, 2013
44	P OPP TO MOT FOR RECON	Apr 26, 2013
45	D OPP TO P MOT TO AMEND NOT OF OPP	May 01, 2013
46	ANSWER AND COUNTERCLAIM (FEE)	May 06, 2013
47	P'S MOT TO AMEND ID OF PLEADED REGISTRATION	May 30, 2013
48	P'S MOT. TO SUSPEND PENDING DISP OF MOTIONS	May 30, 2013
49	D'S CONSENT TO P'S MOT. TO SUSPEND PENDING DISP OF MOTIONS	Jun 07, 2013
50	SUSP PEND DISP OF OUTSTNDNG MOT	Jun 14, 2013
51	PROCEEDINGS RESUMED	Sep 19, 2013
52	P NOTICE OF TAKING TESTIMONY	Oct 07, 2013
53	P NOTICE OF TAKING TESTIMONY	Oct 07, 2013
54	P NOT OF RELIANCE AND EXHIBITS	Oct 22, 2013
55	CONF P NOTICE OF RELIANCE AND EXHIBITS	Oct 22, 2013
56	P NOT OF RELIANCE AND EXHIBITS	Oct 22, 2013
57	P NOT OF RELIANCE AND EXHIBITS	Oct 22, 2013
58	P NOT OF RELIANCE AND EXHIBITS	Oct 22, 2013
59	P NOT OF RELIANCE AND EXHIBITS	Oct 25, 2013
60	P'S MOT TO EXTEND TIME TO OBTAIN WITNESS' SIGNATURE FOR DEPO TRANSCRIPT	Nov 15, 2013

61	D NOTICE OF TAKING TESTIMONY	Nov 22, 2013
62	D NOTICE OF TAKING TESTIMONY	Nov 22, 2013
63	P TESTIMONY: DEPO OF GIANFRANCO FORNASINI & EXHS	Nov 22, 2013
64	P TESTIMONY: DEPO OF NICHOL MUZRIM & EXHS	Dec 09, 2013
65	TRIAL DATES REMAIN AS SET	Dec 10, 2013
66	D NOT OF RELIANCE AND EXHIBITS A-C	Dec 23, 2013
67	D NOT OF RELIANCE AND EXHIBITS A-Z	Dec 23, 2013
68	D NOT OF RELIANCE AND EXHIBITS AA-II, JJ-NN, OO-YY, ZZ-EEE, FFF-HHH	Dec 23, 2013
69	D NOT OF RELIANCE EXHIBITS III -	Dec 23, 2013
70	CONF D NOT OF REL & EXHS JJJ - KKK	Dec 23, 2013
71	REDACTED D NOT OF REL & EXHS JJJ-KKK	Dec 23, 2013
72	CONF D NOTICE OF REL & EXH LLL	Dec 23, 2013
73	REDACTED D NOT OF REL & EXH LLL	Dec 23, 2013
74	CONF DEPO OF SPIRO SPIREAS PHD AND EXHIBITS	Jan 02, 2014
75	REDACTED DEPO OF SPIRO SPIREAS PHD AND EXHIBITS	Jan 02, 2014
76	CONF P REBUTTAL NOT OF REL AND EXHIBITS	Feb 07, 2014
77	REDACTED P REBUTTAL NOT OF RELIANCE AND EXHIBITS	Feb 07, 2014
78	CHANGE OF CORRESP ADDRESS	Apr 07, 2014
79	P STATEMENT OF EVIDENTIARY OBJECTIONS	Apr 07, 2014
80	CONF P BRIEF	Apr 07, 2014
81	REDACTED P BRIEF	Apr 07, 2014
82	CONF D BRIEF	May 07, 2014
83	REDACTED D BRIEF	May 07, 2014
84	D STATEMENT OF EVIDENTIARY OBJECTIONS	May 07, 2014
85	D REQ FOR ORAL HEARING	May 09, 2014
86	REDACTED P REPLY BRIEF	May 22, 2014
87	CONF P REPLY BRIEF	May 22, 2014
88	BD ORDER	Aug 04, 2014
89	CHANGE OF CORRESP ADDRESS	Aug 13, 2014

Type of Proceeding: Opposition

Proceeding Number: [91196805](#)

Filing Date: Oct 06, 2010

Status: Terminated

Status Date: Oct 15, 2010

Interlocutory Attorney: MARY CATHERINE FAINT

Defendant

Name: SigmaPharm Laboratories, LLC

Correspondent Address: INNA FAYENSON
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2 GRAND CENTRAL TERMINAL FL EAST4519
NEW YORK NY , 10017-5684
UNITED STATES

Correspondent e-mail: ip@msf-law.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
SIGMAPHARM	Opposition Pending	77712535	
SIGMAPHARM	Opposition Pending	77712553	
SIGMAPHARM LABORATORIES	Opposition Pending	77712545	
SIGMAPHARM LABORATORIES	Opposition Pending	77712558	

Plaintiff(s)

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Correspondent e-mail: info@lmiplaw.com

Mark	Application Status	Serial Number	Registration Number
SIGMA-TAU PHARMACEUTICALS, INC.	Renewed	73833092	1663145
	Renewed	73833091	1666394

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Oct 06, 2010	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Oct 06, 2010	Nov 15, 2010
3	PENDING, INSTITUTED	Oct 06, 2010	
4	BOARD'S DECISION: DISMISSED AS MOOT	Oct 15, 2010	
5	TERMINATED	Oct 15, 2010	

Type of Proceeding: Opposition

Proceeding Number: [91196807](#)

Filing Date: Oct 06, 2010

Status: Pending

Status Date: Oct 06, 2010

Interlocutory Attorney: GEORGE POLOGEORGIS

Defendant

Name: SigmaPharm Laboratories, LLC

Correspondent Address: SUSAN M SCHLESINGER
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140 EAST 45TH STREET, 19TH FLOOR
NEW YORK NY , 10017-5684
UNITED STATES

Correspondent e-mail: sms@msf-law.com

Mark	Application Status	Serial Number	Registration Number
SIGMAPHARM LABORATORIES	Opposition Pending	77712521	
SIGMAPHARM LABORATORIES	Opposition Pending	77712565	

Plaintiff(s)

Name: Sigma-Tau Industrie Farmaceutiche Riunite S.P.A.

Correspondent Address: PAOLO A STRINO
LUCAS & MERCANTI LLP
475 PARK AVENUE SOUTH , 15TH FLOOR
NEW YORK NY , 10016
UNITED STATES

Correspondent e-mail: info@lmiplaw.com

Mark	Application Status	Serial Number	Registration Number
SIGMA-TAU PHARMACEUTICALS, INC.	Renewed	73833092	1663145
	Renewed	73833091	1666394

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Oct 06, 2010	
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3	PENDING, INSTITUTED	Oct 06, 2010	
4	ANSWER	Nov 15, 2010	
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6	D'S RESPONSE TO MOT TO STRIKE	Dec 20, 2010	
7	D'S AMENDED CERTIFICATE OF SERVICE	Dec 20, 2010	
8	CONSOLIDATED - CHILD OF 91196802	Feb 14, 2011	
9	D MOT FOR SUMMARY JGT DENIED	Mar 27, 2013	

10	P MOT TO AMEND PLEADING/AMENDED PLEADING	Apr 16, 2013
11	P CHANGE OF CORRESP ADDRESS	May 01, 2013
12	D OPP/RESP TO MOTION	May 01, 2013
13	ANSWER	May 06, 2013
14	BD ORDER	Aug 04, 2014

United States of America

United States Patent and Trademark Office

SIGMA-TAU PHARMACEUTICALS, INC.

Reg. No. 1,663,145

Registered Nov. 5, 1991

Amended Sep. 9, 2014

Int. Cl.: 5

TRADEMARK

PRINCIPAL REGISTER

SIGMA-TAU INDUSTRIE FARMACEUTICHE RIUNITE S.P.A. (ITALY CORPORATION)
VIALE SHAKESPEARE 47
ROME, ITALY 00144

FOR: PHARMACEUTICAL PRODUCTS FOR USE IN THE TREATMENT OF CARNITINE DEFICIENCY [, ALZHEIMER'S DISEASE] AND CARDIOVASCULAR CONDITIONS, IN CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).

FIRST USE 7-0-1959; IN COMMERCE 1-0-1987.

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

SER. NO. 73-833,092, FILED 10-23-1989.



Michelle K. Lee

Deputy Director of the United States
Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

Requirements in the First Ten Years*

What and When to File:

First Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. See 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.* See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*

What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or
reminder of these filing requirements.**

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. See 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. See 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.

Attorney of Record

Attorney Name: Paolo A. Strino **Docket Number:** CON-1108-70-
Attorney Primary Email Address: info@lmiplaw.com **Attorney Email Authorized:** Yes

Correspondent

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NEW YORK, NEW YORK 10004
UNITED STATES
Phone: 212-661-8000 **Fax:** 212-661-8002
Correspondent e-mail: info@lmiplaw.com **Correspondent e-mail Authorized:** Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Apr. 08, 2014	REGISTERED-PRINCIPAL REGISTER	
Mar. 19, 2014	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Mar. 07, 2014	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Mar. 06, 2014	LAW OFFICE REGISTRATION REVIEW COMPLETED	77312
Mar. 05, 2014	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Feb. 26, 2014	STATEMENT OF USE PROCESSING COMPLETE	61813
Jan. 15, 2014	USE AMENDMENT FILED	61813
Jan. 15, 2014	TEAS STATEMENT OF USE RECEIVED	
Jan. 13, 2014	ATTORNEY REVOKED AND/OR APPOINTED	
Jan. 13, 2014	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Aug. 22, 2013	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Aug. 21, 2013	EXTENSION 5 GRANTED	61813
Jul. 17, 2013	EXTENSION 5 FILED	61813
Aug. 14, 2013	CASE ASSIGNED TO INTENT TO USE PARALEGAL	61813
Jul. 17, 2013	TEAS EXTENSION RECEIVED	
Jan. 15, 2013	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Jan. 14, 2013	EXTENSION 4 GRANTED	76873
Jan. 11, 2013	EXTENSION 4 FILED	76873
Jan. 11, 2013	TEAS EXTENSION RECEIVED	
Aug. 04, 2012	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Aug. 03, 2012	EXTENSION 3 GRANTED	76873
Jul. 17, 2012	EXTENSION 3 FILED	76873
Jul. 27, 2012	CASE ASSIGNED TO INTENT TO USE PARALEGAL	76873
Jul. 17, 2012	TEAS EXTENSION RECEIVED	
Jan. 19, 2012	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Jan. 17, 2012	EXTENSION 2 GRANTED	98765
Jan. 17, 2012	EXTENSION 2 FILED	98765
Jan. 17, 2012	TEAS EXTENSION RECEIVED	
Jul. 20, 2011	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Jul. 18, 2011	EXTENSION 1 GRANTED	98765
Jul. 18, 2011	EXTENSION 1 FILED	98765
Jul. 18, 2011	TEAS EXTENSION RECEIVED	
Jan. 18, 2011	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Nov. 23, 2010	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	

Nov. 23, 2010	PUBLISHED FOR OPPOSITION	
Oct. 19, 2010	LAW OFFICE PUBLICATION REVIEW COMPLETED	77312
Oct. 19, 2010	ASSIGNED TO LIE	77312
Oct. 04, 2010	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 06, 2010	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Sep. 06, 2010	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Sep. 06, 2010	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Sep. 06, 2010	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Apr. 09, 2010	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Apr. 09, 2010	NON-FINAL ACTION E-MAILED	6325
Apr. 09, 2010	NON-FINAL ACTION WRITTEN	76582
Mar. 31, 2010	ASSIGNED TO EXAMINER	76582
Jan. 19, 2010	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jan. 15, 2010	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Mar. 06, 2014

United States of America

United States Patent and Trademark Office

Sigma-Tau PharmaSource

Reg. No. 4,510,992

Registered Apr. 8, 2014

Int. Cls.: 1 and 5

TRADEMARK

PRINCIPAL REGISTER

SIGMA-TAU PHARMACEUTICALS, INC. (NEVADA CORPORATION)
SUITE 500
9841 WASHINGTONIAN BLVD
GAITHERSBURG, MD 20878

FOR: BIOLOGICALLY ACTIVE MOLECULES, NAMELY, PREPARATIONS OF ENZYMES, POLYPEPTIDES, HORMONES, CHEMICALLY MODIFIED SO AS TO ENHANCE THEIR THERAPEUTIC PROPERTIES FOR USE IN THE MANUFACTURE OF PHARMACEUTICALS, IN CLASS 1 (U.S. CLS. 1, 5, 6, 10, 26 AND 46).

FIRST USE 7-31-2011; IN COMMERCE 7-31-2011.

FOR: PHARMACEUTICAL PREPARATIONS, NAMELY, BIOLOGICALLY ACTIVE MOLECULES, NAMELY, PREPARATIONS OF ENZYMES, POLYPEPTIDES, HORMONES, CHEMICALLY MODIFIED SO AS TO ENHANCE THEIR THERAPEUTIC PROPERTIES FOR USE IN ONCOLOGY AND IMMUNOLOGY AND FOR THE PREVENTION AND THE TREATMENT OF VIRAL AND INFECTIOUS DISEASES, IN CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).

FIRST USE 7-31-2011; IN COMMERCE 7-31-2011.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SN 77-909,750, FILED 1-12-2010.

BRIDGETT SMITH, EXAMINING ATTORNEY



Michelle K. Lee

Deputy Director of the United States
Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

Requirements in the First Ten Years*

What and When to File:

First Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. *See* 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.*
See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*

What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or
reminder of these filing requirements.**

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. *See* 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. *See* 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.

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Mark: SIGMA-TAU CARNITINES

SIGMA-TAU CARNITINES

US Serial Number: 79099740

Application Filing Date: Feb. 24, 2011

US Registration Number: 4223693

Registration Date: Oct. 16, 2012

Register: Principal

Mark Type: Trademark

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Oct. 16, 2012

Publication Date: Jul. 31, 2012

Mark Information

Mark Literal Elements: SIGMA-TAU CARNITINES

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Disclaimer: "CARNITINES"

Related Properties Information

International Registration Number: 1083416

International Registration Date: Feb. 24, 2011

Claimed Ownership of US Registrations: 1663145, 1666394

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks "*" identify additional (new) wording in the goods/services.

For: Chemical products for the pharmaceutical, nutritional and food industry, namely, carnitine, its salts and derivatives for use in the production of pharmaceutical preparations, dietetic substances and foodstuffs; chemical substances, namely, carnitine, its salts and derivatives for the manufacture of pharmaceuticals, dietetic or nutritional products

International Class(es): 001 - Primary Class

U.S Class(es): 001, 005, 006, 010, 026, 046

Class Status: ACTIVE

Basis: 66(a)

For: Pharmaceutical and veterinary preparations containing L-carnitine, its salts and derivatives thereof for pharmaceutical use, namely, preparations for the treatment or prevention of cardiovascular diseases, cancer diseases, kidney diseases, diseases and disorders of fat and glucose metabolism, primary and secondary L-carnitine deficiency, male infertility, mental and cognitive diseases, liver diseases, HIV and AIDS, trauma and sepsis, malnutrition, aging and bone loss; sanitary preparations for medical purposes; dietetic substances adapted for medical use containing L-carnitine, its salts and derivatives as an ingredient, namely, L-carnitine, its salts and derivatives thereof as dietetic substances adapted for medical use and as foodstuffs for medical use; medical plasters; material for stopping teeth; dental wax; all purpose disinfectants; preparations for destroying vermin; fungicides, herbicides

International Class(es): 005 - Primary Class

U.S Class(es): 006, 018, 044, 046, 051, 052

Class Status: ACTIVE

Basis: 66(a)

Basis Information (Case Level)

Filed Use: No

Currently Use: No

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: Yes

Currently 66A: Yes

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: SIGMA-TAU INDUSTRIE FARMACEUTICHE RIUNITE S.P.A.

Owner Address: Viale Shakespeare, 47
I-00144 ROMA
ITALY

Legal Entity Type: CORPORATION

State or Country Where Organized: ITALY

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Paolo A. Strino
Attorney Primary Email Address: info@lmplaw.com
Docket Number: CON-1108-49-
Attorney Email Authorized: No

Correspondent

Correspondent Name/Address: PAOLO A. STRINO
LUCAS & MERCANTI, LLP
30 BROAD STREET, 21st FLOOR
NEW YORK, NEW YORK 10004
UNITED STATES
Phone: 212-661-8000
Fax: 212-661-8002
Correspondent e-mail: info@lmplaw.com
Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Mar. 19, 2014	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Feb. 14, 2013	FINAL DECISION TRANSACTION PROCESSED BY IB	
Jan. 18, 2013	FINAL DISPOSITION NOTICE SENT TO IB	
Jan. 18, 2013	FINAL DISPOSITION PROCESSED	72589
Jan. 16, 2013	FINAL DISPOSITION NOTICE CREATED, TO BE SENT TO IB	
Oct. 16, 2012	REGISTERED-PRINCIPAL REGISTER	
Sep. 22, 2012	NOTIFICATION PROCESSED BY IB	
Jul. 31, 2012	PUBLISHED FOR OPPOSITION	
Jul. 11, 2012	NOTIFICATION OF POSSIBLE OPPOSITION SENT TO IB	
Jul. 11, 2012	NOTICE OF START OF OPPOSITION PERIOD CREATED, TO BE SENT TO IB	
Jul. 11, 2012	NOTICE OF PUBLICATION	
Jun. 27, 2012	LAW OFFICE PUBLICATION REVIEW COMPLETED	76568
Jun. 26, 2012	ASSIGNED TO LIE	76568
Jun. 07, 2012	APPROVED FOR PUB - PRINCIPAL REGISTER	
May 18, 2012	EXAMINERS AMENDMENT MAILED	
May 17, 2012	EXAMINER'S AMENDMENT ENTERED	88888
May 17, 2012	EXAMINERS AMENDMENT -WRITTEN	85329
Apr. 27, 2012	NOTICE OF REVIVAL - MAILED	
Apr. 27, 2012	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Apr. 26, 2012	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Apr. 26, 2012	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Apr. 26, 2012	PETITION TO REVIVE-GRANTED	88889
Apr. 26, 2012	TEAS PETITION TO REVIVE RECEIVED	
Mar. 20, 2012	ABANDONMENT NOTICE MAILED - FAILURE TO RESPOND	
Mar. 20, 2012	ABANDONMENT - FAILURE TO RESPOND OR LATE RESPONSE	
Aug. 20, 2011	REFUSAL PROCESSED BY IB	
Aug. 04, 2011	NON-FINAL ACTION MAILED - REFUSAL SENT TO IB	
Aug. 04, 2011	REFUSAL PROCESSED BY MPU	72589
Aug. 04, 2011	NON-FINAL ACTION (IB REFUSAL) PREPARED FOR REVIEW	

Aug. 03, 2011 NON-FINAL ACTION WRITTEN 85329
Aug. 02, 2011 APPLICATION FILING RECEIPT MAILED
Jul. 29, 2011 ASSIGNED TO EXAMINER 85329
Jul. 29, 2011 NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM
Jul. 28, 2011 SN ASSIGNED FOR SECT 66A APPL FROM IB

International Registration Information (Section 66a)

International Registration Number: 1083416
Priority Claimed Flag: Yes
Intl. Registration Status: REQUEST FOR EXTENSION OF PROTECTION PROCESSED
Notification of Designation Date: Jul. 28, 2011
International Registration Renewal Date: Feb. 24, 2021
First Refusal Flag: Yes

International Registration Date: Feb. 24, 2011
Date of Section 67 Priority Claim: Sep. 30, 2010
Date of International Registration Status: Jul. 28, 2011
Date of Automatic Protection: Jan. 28, 2013

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Oct. 16, 2012

United States of America

United States Patent and Trademark Office

SIGMA-TAU CARNITINES

Reg. No. 4,223,693

Registered Oct. 16, 2012

Int. Cls.: 1 and 5

TRADEMARK

PRINCIPAL REGISTER

SIGMA-TAU INDUSTRIE FARMACEUTICHE RIUNITE S.P.A. (ITALY CORPORATION)
VIALE SHAKESPEARE, 47
I-00144 ROMA, ITALY

FOR: CHEMICAL PRODUCTS FOR THE PHARMACEUTICAL, NUTRITIONAL AND FOOD INDUSTRY, NAMELY, CARNITINE, ITS SALTS AND DERIVATES FOR USE IN THE PRODUCTION OF PHARMACEUTICAL PREPARATIONS, DIETETIC SUBSTANCES AND FOODSTUFFS; CHEMICAL SUBSTANCES, NAMELY, CARNITINE, ITS SALTS AND DERIVATES FOR THE MANUFACTURE OF PHARMACEUTICALS, DIETETIC OR NUTRITIONAL PRODUCTS, IN CLASS 1 (U.S. CLS. 1, 5, 6, 10, 26 AND 46).

FOR: PHARMACEUTICAL AND VETERINARY PREPARATIONS CONTAINING L-CARNITINE, ITS SALTS AND DERIVATIVES THEREOF FOR PHARMACEUTICAL USE, NAMELY, PREPARATIONS FOR THE TREATMENT OR PREVENTION OF CARDIOVASCULAR DISEASES, CANCER DISEASES, KIDNEY DISEASES, DISEASES AND DISORDERS OF FAT AND GLUCOSE METABOLISM, PRIMARY AND SECONDARY L-CARNITINE DEFICIENCY, MALE INFERTILITY, MENTAL AND COGNITIVE DISEASES, LIVER DISEASES, HIV AND AIDS, TRAUMA AND SEPSIS, MALNUTRITION, AGING AND BONE LOSS; SANITARY PREPARATIONS FOR MEDICAL PURPOSES; DIETETIC SUBSTANCES ADAPTED FOR MEDICAL USE CONTAINING L-CARNITINE, ITS SALTS AND DERIVATIVES AS AN INGREDIENT, NAMELY, L-CARNITINE, ITS SALTS AND DERIVATIVES THEREOF AS DIETETIC SUBSTANCES ADAPTED FOR MEDICAL USE AND AS FOODSTUFFS FOR MEDICAL USE; MEDICAL PLASTERS; MATERIAL FOR STOPPING TEETH; DENTAL WAX; ALL PURPOSE DISINFECTANTS; PREPARATIONS FOR DESTROYING VERMIN; FUNGICIDES, HERBICIDES, IN CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

PRIORITY DATE OF 9-30-2010 IS CLAIMED.

OWNER OF INTERNATIONAL REGISTRATION 1083416 DATED 2-24-2011, EXPIRES 2-24-2021.

OWNER OF U.S. REG. NOS. 1,663,145 AND 1,666,394.



David J. Kappas

Director of the United States Patent and Trademark Office

Reg. No. 4,223,693 NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "CARNITINES", APART FROM THE MARK AS SHOWN.

SER. NO. 79-099,740, FILED 2-24-2011.

HAI-LY LAM, EXAMINING ATTORNEY

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

Requirements in the First Ten Years*
What and When to File:

First Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. *See* 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.*
See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*
What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or
reminder of these filing requirements.**

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. *See* 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. *See* 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.

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Mark: PROXANA SIGMA-TAU

PROXANA SIGMA-TAU

US Serial Number: 79147460

Application Filing Date: Mar. 31, 2014

Register: Principal

Mark Type: Trademark

Status: A non-final Office action has been sent (issued) to the applicant. This is a letter from the examining attorney requiring additional information and/or making an initial refusal. The applicant must respond to this Office action. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

Status Date: Jun. 12, 2014

Mark Information

Mark Literal Elements: PROXANA SIGMA-TAU

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Related Properties Information

International Registration Number: 1167398

International Registration Date: May 16, 2013

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Pharmaceutical and veterinary preparations; sanitary preparations for medical purposes; dietetic substances adapted for medical use, food for babies; plasters, materials for dressings; material for stopping teeth, dental wax; disinfectants; preparations for destroying vermin; fungicides, herbicides

International Class(es): 005 - Primary Class

U.S Class(es): 006, 018, 044, 046, 051, 052

Class Status: ACTIVE

Basis: 66(a)

Basis Information (Case Level)

Filed Use: No

Currently Use: No

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: Yes

Currently 66A: Yes

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: SIGMA-TAU; INDUSTRIE FARMACEUTICHE RIUNITE S.p.A.

Owner Address: Viale Shakespeare, 47
I-00144 ROMA
ITALY

Legal Entity Type: Corporation

State or Country Where Organized: ITALY

Attorney/Correspondence Information

Attorney of Record - None

Correspondent

Correspondent Name/Address: CON LOR SPA
Via Renato Fucini, 5
I-20133 MILANO
ITALY

Prosecution History

Date	Description	Proceeding Number
Jun. 27, 2014	REFUSAL PROCESSED BY IB	
Jun. 12, 2014	NON-FINAL ACTION MAILED - REFUSAL SENT TO IB	
Jun. 12, 2014	REFUSAL PROCESSED BY MPU	67445
Jun. 07, 2014	NON-FINAL ACTION (IB REFUSAL) PREPARED FOR REVIEW	
Jun. 06, 2014	NON-FINAL ACTION WRITTEN	89009
Jun. 05, 2014	ASSIGNED TO EXAMINER	89009
Jun. 03, 2014	APPLICATION FILING RECEIPT MAILED	
May 30, 2014	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
May 29, 2014	SN ASSIGNED FOR SECT 66A SUBSEQ DESIG FROM IB	

International Registration Information (Section 66a)

International Registration Number:	1167398	International Registration Date:	May 16, 2013
Intl. Registration Status:	REQUEST FOR EXTENSION OF PROTECTION PROCESSED	Date of International Registration Status:	May 29, 2014
Notification of Designation Date:	May 29, 2014	Date of Automatic Protection:	Nov. 29, 2015
International Registration Renewal Date:	May 16, 2023		
First Refusal Flag:	Yes		

TM Staff and Location Information

TM Staff Information

TM Attorney: KOZAK, EVIN L

Law Office Assigned: LAW OFFICE 116

File Location

Current Location: TMO LAW OFFICE 116 - EXAMINING ATTORNEY ASSIGNED

Date in Location: Jun. 06, 2014

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Mark: SIGMA-TAU

sigma-tau

US Serial Number: 85210758 Application Filing Date: Jan. 05, 2011
US Registration Number: 4390273 Registration Date: Aug. 27, 2013
Register: Principal
Mark Type: Trademark, Service Mark
Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.
Status Date: Aug. 27, 2013
Publication Date: May 08, 2012

Mark Information

Mark Literal Elements: SIGMA-TAU
Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.
Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Related Properties Information

Claimed Ownership of US Registrations: 1663145

Foreign Information

Foreign Registration Number:	269261	Foreign Registration Date:	Mar. 22, 1973
Foreign Application/Registration Country:	ITALY	Foreign Expiration Date:	Nov. 02, 2020
Foreign Registration Number:	002433969	Foreign Registration Date:	Nov. 22, 2002
Foreign Application/Registration Country:	EUROPEAN (EU) OFFICE FOR HARMONIZATION IN THE INTERNAL MARKET (OHIM)	Foreign Expiration Date:	Oct. 31, 2011

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *...* identify additional (new) wording in the goods/services.

For: Biologically active molecules, namely, enzyme preparations, polypeptides, hormones, all being chemically modified to enhance their therapeutic properties for use in the manufacture of pharmaceuticals; chemical preparations for use in the pharmaceutical industry

International Class(es): 001 - Primary Class

U.S Class(es): 001, 005, 006, 010, 026, 046

Class Status: ACTIVE

Basis: 44(e)

For: Pharmaceutical preparations for the prevention and treatment of disorders of the nervous system, the immune system, the cardiovascular system including diabetes and metabolic diseases, the respiratory system, the musculoskeletal system, the genitourinary system, for the treatment of inflammatory disorders, for use in dermatology, in hematology, in oncology, in transplantation, in ophthalmology, for use in gastroenterological areas and the prevention and treatment of ocular disorders or diseases, anti-infectives, pharmaceutical preparations treating bacterial-bases disease, antivirals, antibiotics, antifungals, vaccines, diagnostic preparations for medical use; dietary and food supplements for use in the nutritional and alimentary industries

International Class(es): 005 - Primary Class

U.S Class(es): 006, 018, 044, 046, 051, 052

Class Status: ACTIVE

Basis: 44(e)

For: Medical research; scientific research; industrial research in the field of pharmaceutical preparations for the treatment of human diseases

International Class(es): 042 - Primary Class

U.S Class(es): 100, 101

Class Status: ACTIVE

Basis: 44(e)

Basis Information (Case Level)

Filed Use:	No	Currently Use:	No	Amended Use:	No
Filed ITU:	Yes	Currently ITU:	No	Amended ITU:	No
Filed 44D:	No	Currently 44D:	No	Amended 44D:	No
Filed 44E:	Yes	Currently 44E:	Yes	Amended 44E:	No
Filed 66A:	No	Currently 66A:	No		
Filed No Basis:	No	Currently No Basis:	No		

Current Owner(s) Information

Owner Name: SIGMA-TAU INDUSTRIE FARMACEUTICHE RIUNITE, S.p.A
Owner Address: Viale Shakespeare, 47
Rome I-00144
ITALY
Legal Entity Type: CORPORATION
State or Country Where Organized: ITALY

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Paolo A. Strino
Docket Number: CON-1108-TM-
Attorney Primary Email Address: info@lmiplaw.com
Attorney Email Authorized: No

Correspondent

Correspondent Name/Address: PAOLO A. STRINO
LUCAS & MERCANTI, LLP
30 BROAD STREET, 21st FLOOR
NEW YORK, NEW YORK 10004
UNITED STATES
Phone: 212-661-8000
Fax: 212-661-8002
Correspondent e-mail Authorized: info@lmiplaw.com Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Mar. 19, 2014	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Aug. 27, 2013	REGISTERED-PRINCIPAL REGISTER	
Jul. 18, 2013	1(B) BASIS DELETED; PROCEED TO REGISTRATION	76538
Jul. 03, 2013	NOTICE OF ALLOWANCE CANCELLED	76538
Jul. 12, 2013	CASE ASSIGNED TO INTENT TO USE PARALEGAL	76538
Jul. 03, 2013	TEAS DELETE 1(B) BASIS RECEIVED	
Jan. 05, 2013	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Jan. 03, 2013	EXTENSION 1 GRANTED	98765
Jan. 03, 2013	EXTENSION 1 FILED	98765
Jan. 03, 2013	TEAS EXTENSION RECEIVED	
Jul. 03, 2012	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
May 08, 2012	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
May 08, 2012	PUBLISHED FOR OPPOSITION	
Apr. 18, 2012	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Apr. 05, 2012	LAW OFFICE PUBLICATION REVIEW COMPLETED	67287
Mar. 26, 2012	APPROVED FOR PUB - PRINCIPAL REGISTER	
Mar. 23, 2012	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Mar. 23, 2012	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889

Mar. 23, 2012	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Oct. 14, 2011	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Oct. 14, 2011	NON-FINAL ACTION E-MAILED	6325
Oct. 14, 2011	NON-FINAL ACTION WRITTEN	81858
Oct. 14, 2011	PREVIOUS ALLOWANCE COUNT WITHDRAWN	
Oct. 14, 2011	ASSIGNED TO LIE	67287
Sep. 23, 2011	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 23, 2011	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Sep. 22, 2011	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Sep. 22, 2011	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Mar. 29, 2011	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Mar. 29, 2011	NON-FINAL ACTION E-MAILED	6325
Mar. 29, 2011	NON-FINAL ACTION WRITTEN	81858
Mar. 28, 2011	ASSIGNED TO EXAMINER	81858
Jan. 10, 2011	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jan. 08, 2011	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Aug. 27, 2013

United States of America

United States Patent and Trademark Office

sigma-tau

Reg. No. 4,390,273

Registered Aug. 27, 2013

Int. Cls.: 1, 5 and 42

TRADEMARK

SERVICE MARK

PRINCIPAL REGISTER

SIGMA-TAU INDUSTRIE FARMACEUTICHE RIUNITE, S.P.A (ITALY CORPORATION)
VIALE SHAKESPEARE, 47
ROME, ITALY I-00144

FOR: BIOLOGICALLY ACTIVE MOLECULES, NAMELY, ENZYME PREPARATIONS, POLYPEPTIDES, HORMONES, ALL BEING CHEMICALLY MODIFIED TO ENHANCE THEIR THERAPEUTIC PROPERTIES FOR USE IN THE MANUFACTURE OF PHARMACEUTICALS; CHEMICAL PREPARATIONS FOR USE IN THE PHARMACEUTICAL INDUSTRY, IN CLASS 1 (U.S. CLS. 1, 5, 6, 10, 26 AND 46).

FOR: PHARMACEUTICAL PREPARATIONS FOR THE PREVENTION AND TREATMENT OF DISORDERS OF THE NERVOUS SYSTEM, THE IMMUNE SYSTEM, THE CARDIOVASCULAR SYSTEM INCLUDING DIABETES AND METABOLIC DISEASES, THE RESPIRATORY SYSTEM, THE MUSCULOSKELETAL SYSTEM, THE GENITOURINARY SYSTEM, FOR THE TREATMENT OF INFLAMMATORY DISORDERS, FOR USE IN DERMATOLOGY, IN HEMATOLOGY, IN ONCOLOGY, IN TRANSPLANTATION, IN OPHTHALMOLOGY, FOR USE IN GASTROENTEROLOGICAL AREAS AND THE PREVENTION AND TREATMENT OF OCULAR DISORDERS OR DISEASES, ANTI-INFECTIVES, PHARMACEUTICAL PREPARATIONS TREATING BACTERIAL-BASES DISEASE, ANTIVIRALS, ANTIBIOTICS, ANTIFUNGALS, VACCINES, DIAGNOSTIC PREPARATIONS FOR MEDICAL USE; DIETARY AND FOOD SUPPLEMENTS FOR USE IN THE NUTRITIONAL AND ALIMENTARY INDUSTRIES, IN CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).

FOR: MEDICAL RESEARCH; SCIENTIFIC RESEARCH; INDUSTRIAL RESEARCH IN THE FIELD OF PHARMACEUTICAL PREPARATIONS FOR THE TREATMENT OF HUMAN DISEASES, IN CLASS 42 (U.S. CLS. 100 AND 101).

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF ERPN CMNTY TM OFC REG. NO. 002433969, DATED 11-22-2002, RENEWED AS REG. NO. 005521656, DATED 6-11-2011, EXPIRES 10-31-2021.

OWNER OF ITALY REG. NO. 269261, DATED 3-22-1973, EXPIRES 11-2-2020.

OWNER OF U.S. REG. NO. 1,663,145.



Sean Street Lee

Acting Director of the United States Patent and Trademark Office

Reg. No. 4,390,273 SER. NO. 85-210,758, FILED 1-5-2011.

TINA BROWN, EXAMINING ATTORNEY

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

Requirements in the First Ten Years*

What and When to File:

First Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. *See* 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.*
See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*

What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or
reminder of these filing requirements.**

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. *See* 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. *See* 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.