

ESTTA Tracking number: **ESTTA1047624**

Filing date: **04/07/2020**

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	Shire LLC
Granted to Date of previous extension	04/08/2020
Address	9200 BROOKFIELD COURT FLORENCE, KY 41042 UNITED STATES

Attorney information	KARL M. ZIELAZNICKI, ESQ. TROUTMAN SANDERS LLP 875 THIRD AVENUE C/O IPSERVICESNYC (KMZ) NEW YORK, NY 10022 UNITED STATES IPServicesNYC@troutman.com, Karl.Zielaznicki@troutman.com, Eliza.Cen@troutman.com, Diana.Rodriguez@troutman.com 2127046125
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Applicant Information

Application No	88537136	Publication date	12/10/2019
Opposition Filing Date	04/07/2020	Opposition Period Ends	04/08/2020
Applicant	Naud, Christine 1714 W Magnolia Blvd Burbank, CA 91506 UNITED STATES		

Goods/Services Affected by Opposition


Class 005. First Use: 2018/01/01 First Use In Commerce: 2018/01/01 All goods and services in the class are opposed, namely: Vitamin supplements
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Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
Dilution by blurring	Trademark Act Sections 2 and 43(c)
Dilution by tarnishment	Trademark Act Sections 2 and 43(c)
Deceptiveness	Trademark Act Section 2(a)

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	1908092	Application Date	05/23/1994
Registration Date	08/01/1995	Foreign Priority Date	NONE
Word Mark	ADDERALL		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 1994/06/14 First Use In Commerce: 1994/06/14 pharmaceutical preparations, namely amphetamines		

U.S. Registration No.	4005685	Application Date	12/20/2010
Registration Date	08/02/2011	Foreign Priority Date	NONE
Word Mark	ADDERALL XR		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 2001/10/22 First Use In Commerce: 2001/10/22 Pharmaceutical preparations, namely, amphetamines, for attention deficit hyperactivity disorder (ADHD)		

Attachments	85201629#TMSN.png(bytes) Notice of Opposition - ACCELERALL.PDF(284894 bytes)
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Signature	/kmz/
Name	Karl M. Zielaznicki
Date	04/07/2020

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

_____	X	
	:	
SHIRE LLC,	:	
	:	
Opposer,	:	Opposition No.
	:	
NAUD, CHRISTINE,	:	Serial No. 88537136
	:	
Applicant.	:	Filing Date: July 25, 2019
_____	X	

NOTICE OF OPPOSITION

Opposer, Shire LLC (“Opposer” or “Shire”), a Kentucky corporation, having a business address at 9200 Brookfield Court, Florence, Kentucky 41042 believes that it will be damaged by the registration of Application Serial No. 88537136 filed on July 25, 2019 seeking registration of the mark ACCELERALL for “vitamin supplements” in Class 5 (“Applicant’s Goods”) and, hereby opposes the foregoing application.

As grounds for opposition, it is alleged:

1. Shire is the owner of the following US Trademark Registrations for its famous ADDERALL marks (the “ADDERALL Marks”):

MARK	REGISTRATION NO.	REGISTRATION DATE
ADDERALL	1908092	August 1, 1995
ADDERALL XR	4005685	August 2, 2011

2. These registrations constitute *prima facie* evidence of the validity of the registered marks, the registration of the marks, the registrant's ownership of the marks and the registrant's exclusive right to use the registered mark in commerce in connection with the goods claimed in each of the registrations including, without limitation, “pharmaceutical preparations, namely amphetamines” in Class 5. 15 USC § 1057. In addition, both registrations are incontestable. 15 USC § 1065.

3. Opposer’s registrations set forth in Paragraph 1 herein are valid and subsisting, uncanceled and unrevoked and are *prima facie* evidence of Opposer’s exclusive right to use the mark claimed therein in commerce on the goods claimed in the registrations.

4. Opposer intends to rely on the registrations set forth in Paragraph 1 in this proceeding and, true and correct copies of the registration information for the Opposer’s Marks from the United States Trademark Office’s TSDR database showing the current status and title (owner) of the registration are collectively attached as **Exhibit A**.

5. The ADDERALL Marks are distinctive and identified exclusively with the goods claimed in Opposer’s US Trademark Registrations asserted herein.

6. Through continuous use of Opposer’s ADDERALL Marks since at least as early as 1994 and through advertising and sales, Opposer’s ADDERALL Marks are famous and well-known and have developed valuable substantial goodwill.

7. Priority is not an issue since Opposer's filing dates and/or first use dates claimed in its incontestable US Trademark Registrations No. 1908092 and 4005685 well precede the filing date of Application Serial No. 88537136.

8. On July 25, 2019, Christine Naud ("Applicant") filed US Trademark Application Serial No. 88537136 in the United States Patent and Trademark Office seeking registration of the mark ACCELERALL in International Class 5 for Applicant's Goods.

9. In view of the similarity of the marks at hand, Opposer believes and alleges that the ACCELERALL Mark so resembles Opposer's previously used and registered ADDERALL Marks as to be likely to cause confusion, or mistake or deception of purchasers, under Section 2(d) of the Lanham Act as amended, 15 USC § 1052(d).

10. The likelihood of confusion, mistake or deception that would arise from concurrent use and registration of the Applicant's mark ACCELERALL and Opposer's use and registration of its incontestable ADDERALL Marks includes, without limitation, (a) persons are likely to believe that Applicant's Goods have their source in Opposer, or (b) that Applicant Goods under the mark ACCELERALL are in some way legitimately connected or affiliated with, sponsored, approved, endorsed or licensed by Opposer.

11. Opposer further believes and alleges that the use and registration of Applicant's ACCELERALL mark as claimed in Application Serial No. 88537136 is likely to cause confusion, or mistake or deception in the minds of prospective purchasers as to the origin or source of Opposer's Goods and is likely to deceive and/or mislead prospective purchasers into believing that Applicant is the source of Opposer's ADDERALL Goods and/or that Opposer's ADDERALL Goods are sponsored, licensed, approved or endorsed by Applicant.

12. Applicant's use and registration of its ACCELERALL mark as set forth in Application Serial No. 88537136 is calculated or likely to cause irreparable loss, injury and damage to Opposer's reputation and would permit Applicant to trade on Opposer's valuable rights, reputation and goodwill in its ADDERALL Marks in violation of Section 2 of the

Trademark Act of 1946, as amended, 15 USC § 1052, resulting in irreparable harm and injury to Opposer.

13. Applicant's mark ACCELERALL as set forth in Application Serial No. 88537136 is a misappropriation of Opposer's prior rights in its ADDERALL Marks and any use and registration of the same by Applicant will disparage and falsely suggest a connection with Opposer in violation of Section 2(a) of the Trademark Act of 1946, as amended, 15 USC § 1052(a), resulting in irreparable harm and injury to Opposer.

14. Applicant's use and registration of the mark ACCELERALL for Applicant's Goods identified in Application Serial No. 88537136 is likely to dilute, blur and erode the distinctive quality, recognition and reputation of Opposer's famous and well-known ADDERALL Marks in violation of Section 43(c) of the Trademark Act of 1946, as amended, 15 USC § 1125(c), and cause damage to Opposer and the goodwill embodied in the Marks.

15. Opposer will be damaged by the issuance of a registration sought by Applicant within the meaning of Section 13(a) of the Lanham Act, 15 USC §1063 because such registration would support and assist Applicant in the confusing, misleading, deceptive and/or dilutive use of ACCELERALL, and would give color of exclusive statutory rights to Applicant in violation and derogation of the prior and superior rights of Opposer in the coined term ADDERALL.

16. **WHEREFORE**, Opposer respectfully requests that the proposed registration of the mark shown in Application Serial No. 88537136 for the mark ACCELERALL in Class 5 be refused registration and this Opposition be sustained in favor of Opposer.

(continued on next page)

Respectfully submitted,

Dated: April 7, 2020

By: _____/kmz/_____

Karl M. Zielaznicki, Esq.

Attorneys for Opposer
TROUTMAN SANDERS LLP
875 Third Avenue, 17th Floor
New York, NY 10022
Phone (212) 704-6125
Fax (212) 704-5987
Karl.Zielaznicki@troutman.com
IPServicesNYC@troutman.com

EXHIBIT A

Generated on: This page was generated by TSDR on 2020-04-07 13:48:47 EDT

Mark: ADDERALL

US Serial Number: 74527272

Application Filing Date: May 23, 1994

US Registration Number: 1908092

Registration Date: Aug. 01, 1995

Register: Principal

Mark Type: Trademark

TM5 Common Status Descriptor:



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

Status: The registration has been renewed.

Status Date: Aug. 26, 2015

Publication Date: May 09, 1995

Mark Information

Mark Literal Elements: ADDERALL

Standard Character Claim: No

Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

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 preparations, namely amphetamines

International Class(es): 005 - Primary Class

U.S Class(es): 018

Class Status: ACTIVE

Basis: 1(a)

First Use: Jun. 14, 1994

Use in Commerce: Jun. 14, 1994

Basis Information (Case Level)

Filed Use: No

Currently Use: Yes

Filed ITU: Yes

Currently ITU: No

Filed 44D: No

Currently 44E: No

Filed 44E: No

Currently 66A: No

Filed 66A: No

Currently No Basis: No

Filed No Basis: No

Current Owner(s) Information

Owner Name: SHIRE LLC

Owner Address: 725 CHESTERBROOK BOULEVARD
WAYNE, PENNSYLVANIA UNITED STATES 19087

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country KENTUCKY
Where Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Timothy H. Hiebert

Attorney Primary hiebert@samuelsTM.com
Email Address:

Attorney Email Yes
Authorized:

Correspondent

Correspondent Timothy H. Hiebert
Name/Address: Samuels & Hiebert LLC
Two International Place, 23rd Floor
Boston, MASSACHUSETTS UNITED STATES 02110-4104

Phone: 617-426-5553

Fax: 617-507-2449

Correspondent e- hiebert@samuelsTM.com
mail:

Correspondent e- Yes
mail Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Aug. 26, 2015	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Aug. 26, 2015	REGISTERED AND RENEWED (SECOND RENEWAL - 10 YRS)	69471
Aug. 26, 2015	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	69471
Aug. 25, 2015	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	69471
Jul. 30, 2015	TEAS SECTION 8 & 9 RECEIVED	
Jul. 01, 2005	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	
Jul. 01, 2005	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Jul. 01, 2005	ASSIGNED TO PARALEGAL	69471
May 05, 2005	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
May 05, 2005	TEAS SECTION 8 & 9 RECEIVED	
Apr. 21, 2005	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Apr. 21, 2005	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
May 19, 2001	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	
Feb. 27, 2001	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Aug. 01, 1995	REGISTERED-PRINCIPAL REGISTER	
May 09, 1995	PUBLISHED FOR OPPOSITION	
Apr. 07, 1995	NOTICE OF PUBLICATION	
Jan. 19, 1995	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jan. 19, 1995	USE AMENDMENT ACCEPTED	
Jul. 11, 1994	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Jan. 05, 1995	AMENDMENT TO USE PROCESSING COMPLETE	
Jul. 11, 1994	USE AMENDMENT FILED	
Jan. 10, 1995	PREVIOUS ALLOWANCE COUNT WITHDRAWN	
Dec. 15, 1994	APPROVED FOR PUB - PRINCIPAL REGISTER	
Dec. 13, 1994	EXAMINER'S AMENDMENT MAILED	
Sep. 30, 1994	NON-FINAL ACTION MAILED	
Sep. 25, 1994	ASSIGNED TO EXAMINER	71994

TM Staff and Location Information

TM Staff Information - None**File Location**

Current Location: GENERIC WEB UPDATE

Date in Location: Aug. 26, 2015

Assignment Abstract Of Title Information**Summary**

Total Assignments: 4

Registrant: Richwood Pharmaceutical Company, Inc.

Assignment 1 of 4

Conveyance: CHANGE OF NAME

Reel/Frame: [2243/0047](#)

Pages: 3

Date Recorded: Feb. 12, 2001

Supporting Documents: [assignment-tm-2243-0047.pdf](#)**Assignor**Name: [RICHWOOD PHARMACEUTICAL COMPANY, INC.](#)

Execution Date: Aug. 22, 1997

Legal Entity Type: CORPORATION

State or Country Where Organized: KENTUCKY

AssigneeName: [SHIRE RICHWOOD INC.](#)

Legal Entity Type: CORPORATION

State or Country Where Organized: KENTUCKY

Address: SUITE 200
7900 TANNERS GATE DRIVE
FLORENCE, KENTUCKY 41042**Correspondent**

Correspondent Name: SHIRE RICHWOOD INC.

Correspondent Address: AARON P. BUDA
7900 TANNERS GATE DRIVE
SUITE 200
FLORENCE, KY 41042**Domestic Representative - Not Found****Assignment 2 of 4**

Conveyance: SECURITY INTEREST

Reel/Frame: [2028/0202](#)

Pages: 8

Date Recorded: Feb. 08, 2000

Supporting Documents: [assignment-tm-2028-0202.pdf](#)**Assignor**Name: [SHIRE RICHWOOD INC.](#)

Execution Date: Dec. 23, 1999

Legal Entity Type: CORPORATION

State or Country Where Organized: No Place Where Organized Found

AssigneeName: [DLJ CAPITAL FUNDING INC. AS ADMINISTRATION AGENT](#)

Legal Entity Type: CORPORATION

State or Country Where Organized: NEW YORK

Address: 277 PARK AVENUE
NEW YORK, NEW YORK 10172**Correspondent**

Correspondent Name: NATIONAL CORPORATE RESEARCH, LTD.

Correspondent Address: 225 W. 34TH ST. SUITE 910
NEW YORK, N.Y. 10122**Domestic Representative - Not Found**

Assignment 3 of 4

Conveyance: MERGER

Reel/Frame: [2330/0645](#)

Pages: 6

Date Recorded: Jun. 22, 2001

Supporting Documents: [assignment-tm-2330-0645.pdf](#)

Assignor

Name: [SHIRE RICHWOOD INC.](#)

Execution Date: Mar. 19, 2001

Legal Entity Type: CORPORATION

State or Country Where Organized: KENTUCKY

Assignee

Name: [SHIRE US INC.](#)

State or Country Where Organized: NEW JERSEY

Legal Entity Type: CORPORATION

Where Organized:

Address: 7900 TANNERS GATE DRIVE, SUITE 200
FLORENCE, KENTUCKY 41042

Correspondent

Correspondent Name: SHIRE US INC.

Correspondent Address: AARON P. BUDA
7900 TANNERS GATE DRIVE
SUITE 200
FLORENCE, KY 41042

Domestic Representative - Not Found

Assignment 4 of 4

Conveyance: NUNC PRO TUNC ASSIGNMENT

Reel/Frame: [3140/0764](#)

Pages: 6

Date Recorded: Aug. 15, 2005

Supporting Documents: [assignment-tm-3140-0764.pdf](#)

Assignor

Name: [SHIRE US INC.](#)

Execution Date: Aug. 10, 2005

Legal Entity Type: CORPORATION

State or Country Where Organized: NEW JERSEY

Assignee

Name: [SHIRE LLC](#)

State or Country Where Organized: KENTUCKY

Legal Entity Type: LIMITED LIABILITY COMPANY

Address: 725 CHESTERBROOK BOULEVARD
WAYNE, PENNSYLVANIA 19087

Correspondent

Correspondent Name: AARON BUDA

Correspondent Address: 725 CHESTERBROOK BOULEVARD
WAYNE, PA 19087

Domestic Representative - Not Found

Proceedings

Summary

Number of Proceedings: 4

Type of Proceeding: Opposition

Proceeding Number: [91252742](#)

Filing Date: Dec 05, 2019

Status: Terminated

Status Date: Feb 19, 2020

Interlocutory Attorney: MARY CATHERINE FAINT

Defendant

Name: Jagger Productions, LLC

Correspondent Address: MATTHEW B WENZLAU
WENZLAU LAW GROUP PLLC
10575 NORTH 114TH STREET, SUITE 103
SCOTTSDALE AZ UNITED STATES , 85259

Correspondent e-mail: info@arizonamusiclaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
KIDS ON ADDRALL	Abandoned - After Inter-Partes Decision	88384826	

Plaintiff(s)

Name: Shire LLC

Correspondent Address: KARL M ZIELAZNICKI
TROUTMAN SANDERS LLP
875 THIRD AVENUE C/O IPSERVICESNYC (KMZ)
NEW YORK NY UNITED STATES , 10022

Correspondent e-mail: IPServicesNYC@troutman.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
ADDERALL	REGISTERED AND RENEWED	74527272	1908092
ADDERALL XR	Section 8 and 15 - Accepted and Acknowledged	85201629	4005685

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Dec 05, 2019	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 05, 2019	Jan 14, 2020
3	INSTITUTED	Dec 05, 2019	
4	D MOT FOR EXT W/ CONSENT	Jan 13, 2020	
5	EXTENSION OF TIME GRANTED	Jan 15, 2020	
6	W/DRAW OF APPLICATION	Jan 24, 2020	
7	BD DECISION: OPP SUSTAINED	Feb 19, 2020	
8	TERMINATED	Feb 19, 2020	

Type of Proceeding: Opposition

Proceeding Number: [91243434](#)

Filing Date: Sep 05, 2018

Status: Terminated

Status Date: Oct 18, 2018

Interlocutory Attorney: JENNIFER KRISP

Defendant

Name: Christian Ferraro

Correspondent Address: ALANA M FUJIERER
HESLIN ROTHENBERG FARLEY & MESITI PC
5 COLUMBIA CIRCLE
ALBANY NY UNITED STATES , 12203

Correspondent e-mail: hesroth@hrfmlaw.com , alana.fuierer@hrfmlaw.com , jean.bell@hrfmlaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
SHREDDERALL	Abandoned - After Inter-Partes Decision	87728335	

Plaintiff(s)

Name: Shire LLC

Correspondent KARL M ZIELAZNICKI
Address: TROUTMAN SANDERS LLP
875 THIRD AVE
NEW YORK NY UNITED STATES , 10022

Correspondent e-mail: IPServicesNYC@troutmansanders.com , karl.zielaznicki@troutmansanders.com , eliza.cen@troutmansanders.com

Mark	Application Status	Serial Number	Registration Number
ADDERALL	REGISTERED AND RENEWED	74527272	1908092
ADDERALL XR	Section 8 and 15 - Accepted and Acknowledged	85201629	4005685

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Sep 05, 2018	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Sep 05, 2018	Oct 15, 2018
3	PENDING, INSTITUTED	Sep 05, 2018	
4	W/DRAW OF APPLICATION	Oct 12, 2018	
5	BD DECISION: OPP SUSTAINED	Oct 18, 2018	
6	TERMINATED	Oct 18, 2018	

Type of Proceeding: Opposition

Proceeding Number: [91227843](#) Filing Date: May 10, 2016
Status: Terminated Status Date: Aug 17, 2016
Interlocutory Attorney: ROBERT COGGINS

Defendant

Name: Gnosis SPA
Correspondent STEWART J BELLUS
Address: COLLARD & ROE
1077 NORTHERN BLVD
ROSLYN NY UNITED STATES , 11576-1614

Mark	Application Status	Serial Number	Registration Number
ADORAL ORAL DISSOLVING TABLETS	Abandoned - After Inter-Partes Decision	86398305	

Plaintiff(s)

Name: Shire LLC
Correspondent I STEPHEN SAMUELS
Address: SAMUELS & HIEBERT LLC
TWO INTERNATIONAL PLACE , 23RD FLOOR
BOSTON MA UNITED STATES , 02110-4104
Correspondent e-mail: hiebert@samuelsTM.com , iss@samuelstm.com

Mark	Application Status	Serial Number	Registration Number
ADDERALL	REGISTERED AND RENEWED	74527272	1908092

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	May 10, 2016	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	May 12, 2016	Jun 21, 2016
3	PENDING, INSTITUTED	May 12, 2016	
4	NOTICE OF DEFAULT	Jul 01, 2016	
5	BD DECISION: SUSTAINED	Aug 17, 2016	
6	TERMINATED	Aug 17, 2016	

Type of Proceeding: Opposition

Proceeding Number: [91199414](#)

Filing Date: Apr 13, 2011

Status: Terminated

Status Date: Mar 14, 2013

Interlocutory Attorney: YONG OH (RICHARD) KIM

Defendant

Name: Adderllin LLC

Correspondent Address: JAMES A DEFELICE
SARNO DEFELICE LLC
235 WEST 23RD ST, FLOOR 5
NEW YORK NY UNITED STATES , 10011

Correspondent e-mail: jim_defelice@yahoo.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
ADDERLLIN LLC	Abandoned - After Inter-Partes Decision	85082938	

Plaintiff(s)

Name: SHIRE LLC

Correspondent Address: HELEN HILL MINSKER
BANNER WITCOFF LTD
TEN SOUTH WACKER DRIVE, STE 3000
CHICAGO IL UNITED STATES , 60606

Correspondent e-mail: bwlitdocket@bannerwitcoff.com, hminsker@bannerwitcoff.com, sward@bannerwitcoff.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
ADDERALL	REGISTERED AND RENEWED	74527272	1908092

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Apr 13, 2011	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Apr 14, 2011	May 24, 2011
3	PENDING, INSTITUTED	Apr 14, 2011	
4	ANSWER	May 24, 2011	
5	STIPULATION FOR AN EXTENSION OF TIME	Dec 12, 2011	
6	EXTENSION OF TIME GRANTED	Dec 12, 2011	
7	STIPULATION FOR AN EXTENSION OF TIME	Feb 14, 2012	
8	EXTENSION OF TIME GRANTED	Feb 14, 2012	
9	STIPULATION FOR AN EXTENSION OF TIME	May 17, 2012	
10	EXTENSION OF TIME GRANTED	May 18, 2012	
11	P'S MOTION TO COMPEL DISCOVERY	Oct 01, 2012	
12	TRIAL DATES RESET	Jan 08, 2013	
13	WITHDRAWAL OF APPLICATION	Feb 20, 2013	
14	BD DECISION: DISMISSED W/O PREJ	Mar 14, 2013	
15	TERMINATED	Mar 14, 2013	

Int. Cl.: 5

Prior U.S. Cl.: 18

United States Patent and Trademark Office

Reg. No. 1,908,092

Registered Aug. 1, 1995

**TRADEMARK
PRINCIPAL REGISTER**

ADDERALL

**RICHWOOD PHARMACEUTICAL COMPANY,
INC. (KENTUCKY CORPORATION)
7902 TANNER'S GATE DRIVE
FLORENCE, KY 41042**

**FIRST USE 6-14-1994; IN COMMERCE
6-14-1994.**

SER. NO. 74-527,272, FILED 5-23-1994.

**FOR: PHARMACEUTICAL PREPARATIONS,
NAMELY AMPHETAMINES, IN CLASS 5 (U.S.
CL. 18).**

BARNEY CHARLON, EXAMINING ATTORNEY

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Mark: ADDERALL XR

ADDERALL XR

US Serial Number: 85201629

Application Filing Date: Dec. 20, 2010

US Registration Number: 4005685

Registration Date: Aug. 02, 2011

Register: Principal

Mark Type: Trademark

TM5 Common Status Descriptor:



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

Status: A Sections 8 and 15 combined declaration has been accepted and acknowledged.

Status Date: Jul. 24, 2017

Publication Date: May 17, 2011

Mark Information

Mark Literal Elements: ADDERALL XR

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: "XR"

Related Properties Information

Claimed Ownership of US Registrations: 1908092

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 preparations, namely, amphetamines, for attention deficit hyperactivity disorder (ADHD)

International Class(es): 005 - Primary Class

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

Class Status: ACTIVE

Basis: 1(a)

First Use: Oct. 22, 2001

Use in Commerce: Oct. 22, 2001

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Filed ITU: No

Currently ITU: No

Filed 44D: No

Currently 44E: No

Filed 44E: No

Currently 66A: No

Filed 66A: No

Currently No Basis: No

Filed No Basis: No

Current Owner(s) Information

Owner Name: Shire LLC

Owner Address: 9200 Brookfield Court
Florence, KENTUCKY UNITED STATES 41042

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country KENTUCKY
Where Organized:

Attorney/Correspondence Information

Attorney of Record - None

Correspondent

Correspondent Name/Address: TIMOTHY H. HIEBERT
SAMUELS & HIEBERT LLC
TWO INTERNATIONAL PLACE, SUITE 2330
BOSTON, MASSACHUSETTS UNITED STATES 02110

Phone: 617-426-5553

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jul. 24, 2017	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Jul. 24, 2017	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	76874
Jul. 24, 2017	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	76874
Jun. 05, 2017	TEAS SECTION 8 & 15 RECEIVED	
Jun. 05, 2017	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Aug. 02, 2011	REGISTERED-PRINCIPAL REGISTER	
May 17, 2011	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
May 17, 2011	PUBLISHED FOR OPPOSITION	
Apr. 08, 2011	LAW OFFICE PUBLICATION REVIEW COMPLETED	70633
Apr. 07, 2011	ASSIGNED TO LIE	70633
Mar. 24, 2011	APPROVED FOR PUB - PRINCIPAL REGISTER	
Mar. 23, 2011	EXAMINER'S AMENDMENT ENTERED	88888
Mar. 23, 2011	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Mar. 23, 2011	EXAMINERS AMENDMENT E-MAILED	6328
Mar. 23, 2011	EXAMINERS AMENDMENT -WRITTEN	72004
Mar. 18, 2011	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Mar. 18, 2011	NON-FINAL ACTION E-MAILED	6325
Mar. 18, 2011	NON-FINAL ACTION WRITTEN	72004
Mar. 18, 2011	ASSIGNED TO EXAMINER	72004
Dec. 28, 2010	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Dec. 23, 2010	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: TMEG LAW OFFICE 102

Date in Location: Jul. 24, 2017

Proceedings

Summary

Number of Proceedings: 2

Type of Proceeding: Opposition

Proceeding Number: [91252742](#)

Filing Date: Dec 05, 2019

Status: Terminated

Status Date: Feb 19, 2020

Interlocutory Attorney: MARY CATHERINE FAINT

Defendant

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Associated marks

Mark	Application Status	Serial Number	Registration Number
KIDS ON ADDRALL	Abandoned - After Inter-Partes Decision	88384826	

Plaintiff(s)

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Associated marks

Mark	Application Status	Serial Number	Registration Number
ADDERALL	REGISTERED AND RENEWED	74527272	1908092
ADDERALL XR	Section 8 and 15 - Accepted and Acknowledged	85201629	4005685

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Dec 05, 2019	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 05, 2019	Jan 14, 2020
3	INSTITUTED	Dec 05, 2019	
4	D MOT FOR EXT W/ CONSENT	Jan 13, 2020	
5	EXTENSION OF TIME GRANTED	Jan 15, 2020	
6	W/DRAW OF APPLICATION	Jan 24, 2020	
7	BD DECISION: OPP SUSTAINED	Feb 19, 2020	
8	TERMINATED	Feb 19, 2020	

Type of Proceeding: Opposition

Proceeding Number: [91243434](#)

Filing Date: Sep 05, 2018

Status: Terminated

Status Date: Oct 18, 2018

Interlocutory Attorney: JENNIFER KRISP

Defendant

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Associated marks

Mark	Application Status	Serial Number	Registration Number
SHREDDERALL	Abandoned - After Inter-Partes Decision	87728335	

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Associated marks			
Mark	Application Status	Serial Number	Registration Number
ADDERALL	REGISTERED AND RENEWED	74527272	1908092
ADDERALL XR	Section 8 and 15 - Accepted and Acknowledged	85201629	4005685

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Sep 05, 2018	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Sep 05, 2018	Oct 15, 2018
3	PENDING, INSTITUTED	Sep 05, 2018	
4	W/DRAW OF APPLICATION	Oct 12, 2018	
5	BD DECISION: OPP SUSTAINED	Oct 18, 2018	
6	TERMINATED	Oct 18, 2018	

United States of America

United States Patent and Trademark Office

ADDERALL XR

Reg. No. 4,005,685

Registered Aug. 2, 2011

Int. Cl.: 5

TRADEMARK

PRINCIPAL REGISTER

SHIRE LLC (KENTUCKY LIMITED LIABILITY COMPANY)
9200 BROOKFIELD COURT
FLORENCE, KY 41042

FOR: PHARMACEUTICAL PREPARATIONS, NAMELY, AMPHETAMINES, FOR ATTENTION DEFICIT HYPERACTIVITY DISORDER (ADHD), IN CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).

FIRST USE 10-22-2001; IN COMMERCE 10-22-2001.

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

OWNER OF U.S. REG. NO. 1,908,092.

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

SER. NO. 85-201,629, FILED 12-20-2010.

MARY CRAWFORD, EXAMINING ATTORNEY



David J. Kyjko

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>.