

ESTTA Tracking number: **ESTTA1066251**

Filing date: **07/06/2020**

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	Immunotec, Inc.
Granted to Date of previous extension	07/05/2020
Address	300 JOSEPH-CARRIER VANDREUIL-DORION, QC J7V5V5 CANADA

Attorney information	JOHN L. BEARD BUTZEL LONG 1909 K STREET N.W. SUITE 500 WASHINGTON DC, DC 20006 UNITED STATES Primary Email: trademark@butzel.com Secondary Email(s): beard@butzel.com, glime@butzel.com No phone number provided.
Docket Number	

**Applicant Information**

Application No.	88604388	Publication date	01/07/2020
Opposition Filing Date	07/06/2020	Opposition Period Ends	07/05/2020
Applicant	AIM ImmunoTech Inc. 2117 SW HIGHWAY 484 OCALA, FL 34473 UNITED STATES		


**Goods/Services Affected by Opposition**


Class 005. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Intravenous solution for use in the treatment of viral infections, immune disorders, cancer and ME/CFS; intravenous solution for use in the treatment of viral infections, immune disorders, cancer and ME/CFS; intravenous solution for use in the treatment of injuries resulting from surgery, thermal accidents or burns; Interferons; Parenterally administered interferon for use in treating viral diseases, immunological disorders and cancer; Pharmaceutical products, namely, pharmaceutical preparations for treatment of viral and infectious diseases, cancer, immune disorders and ME/CFS; intranasal solutions for use as a vaccine adjuvant
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**Grounds for Opposition**

Priority and likelihood of confusion	Trademark Act Section 2(d)
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## Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	2537974	Application Date	10/17/2000
Registration Date	02/12/2002	Foreign Priority Date	NONE
Word Mark	IMMUNOTEC		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 1998/09/00 First Use In Commerce: 1998/09/00 Dietary supplements; vitamin and mineral supplements		

U.S. Registration No.	3568284	Application Date	08/08/2007
Registration Date	01/27/2009	Foreign Priority Date	NONE
Word Mark	IMMUNOTEC		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 003. First use: First Use: 2007/05/28 First Use In Commerce: 2007/05/28 Skin cream</p> <p>Class 005. First use: First Use: 2007/05/28 First Use In Commerce: 2007/05/28 Appetite suppressants; dietary and nutritional supplements in liquid, powder or capsule form; herbal supplements; dietary and nutritional supplements, namely, herbal tonics and bioactive milk peptides; whey protein dietary and nutritional supplements</p> <p>Class 029. First use: First Use: 2007/05/28 First Use In Commerce: 2007/05/28 Natural dairy products and any derivatives thereof, namely, whey, whey protein concentrate, whey-based food beverages; milk derived protein products, namely, milk derived protein used for a food filler or additive, and milk protein isolate, all in liquid, powder or capsule form</p> <p>Class 032. First use: First Use: 2007/05/28 First Use In Commerce: 2007/05/28</p>		

	Herbal energy drinks; whey-based powders for use in making beverages
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Related Proceedings	Opposition No. 91256674
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Attachments	76148714#TMSN.png( bytes ) 77250241#TMSN.png( bytes ) JLB draft NOP 001 AIM IMMUNOTEC and Design.pdf(183725 bytes )
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Signature	/Ashley A Glime/
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Name	Ashley A Glime
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Date	07/06/2020
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BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IMMUNOTECH INC.	)	
	)	
Opposer,	)	
	)	
v.	)	Opposition No. _____
	)	Serial No. 88/604,388
	)	
AIM Immunotech, Inc.	)	
Applicant	)	

BOX: TTAB FEE

NOTICE OF OPPOSITION

In the matter of the application for registration of the trademark of AIM Immunotech, Inc. shown in Application Serial No. 88/604,388, filed September 4, 2019, and published for opposition in the Official Gazette on January 7, 2020 Opposer, Immunotec Inc., 300 Joseph-Carrier, Vaudreuil-Dorion, Quebec J7V 5V5, Canada, believes that it will be damaged by registration of the mark AIM IMMUNOTECH and Design shown in said Application and hereby opposes the same.

As grounds in support of this opposition, Opposer asserts the following:

1. AIM Immunotech, Inc. (Hereafter Applicant) is the record owner of united States Trademark Application Serial 88/604,388, filed September 4, 2019, seeking registration of the trademark AIM IMMUNOTECH and Design for Class 5 Intravenous solution for use in the treatment of viral infections, immune disorders, cancer and ME/CFS; intravenous solution for use in the treatment of viral infections, immune disorders, cancer and ME/CFS; intravenous solution for use in the treatment of injuries resulting from surgery, thermal accidents or burns; Interferons;

- Parenterally administered interferon for use in treating viral diseases, immunological disorders and cancer; Pharmaceutical products, namely, pharmaceutical preparations for treatment of viral and infectious diseases, cancer, immune disorders and ME/CFS; intranasal solutions for use as a vaccine adjuvant; and Class 42 Pharmaceutical research and development; Pharmaceutical research and development of drugs for the treatment of cancers, viral diseases, immunological disorders and ME/CFS
2. Opposer, Immunotec Inc., is a Canadian company that sells nutritional supplements and skin cream in Canada and the United States.
  3. Opposer's products, including nutritional supplements, are sold in the United States under the trademark IMMUNOTEC.
  4. Opposer has used the distinctive mark IMMUNOTEC in the United States since at least September, 1998, and has had substantial annual U.S. sales of products including nutritional or dietary supplements since then, developing substantial good will and common law trademark rights in its mark and name IMMUNOTEC, which has become famous within the United States.
  5. Opposer is the owner of U.S. Trademark Registration No. 2537974, for the mark IMMUNOTEC for dietary supplements; vitamin and mineral supplements.
  6. Opposer is the owner of U.S. Trademark Registration No. 3568284, for the mark IMMUNOTEC which includes dietary supplements; vitamin and mineral supplements. This registration is incontestable.
  7. In addition to its substantial common law rights in its famous mark IMMUNOTEC, Opposer is the exclusive owner of the above federal registrations directed to the mark IMUUNOTEC. Printouts from the USPTO TSDR database evidencing the current

status and ownership of these registrations are annexed hereto as Opposer's Exhibit A.

8. Opposer will be injured if the subject application is registered because the mark that is the subject of the application, AIM IMMUNOTECH and Design, including the phonetic equivalent of Applicant's mark IMMUNOTECH, is so similar to Opposer's mark IMMUNOTECH as to be likely, when used on or in connection with the goods and services of the Applicant, to cause confusion, or to cause mistake or to deceive as to the source or sponsorship by Opposer of Applicant's goods and services.
9. On information and belief, Applicant did not use its mark "AIM IMMUNOTECH" and Design in commerce before September 4, 2019.
10. Therefore, on information and belief, Opposer has prior use of its mark IMMUNOTECH in the United States on very similar goods and services to those covered in the subject application; therefore, Opposer is the senior user.
11. The mark AIM IMMUNOTECH and Design, including the phonetic equivalent of Applicant's mark IMMUNOTECH, is so similar to Opposer's IMMUNOTECH trademark, that Applicant's use and registration of AIM IMMUNOTECH and Design to identify its goods and services is likely to cause confusion and lead to deception as to the source of origin and/or the sponsorship of Applicant's goods and services, and Opposer will be injured. Registration of the Application is barred by Section 2(d) of the Trademark Act, 15 U.S.C. 1052(d).
12. Registration of the subject application would cast doubt on the scope of rights of Opposer and on whether Opposer would be free to register IMMUNOTECH for similar goods, thereby causing damage to Opposer.

13. Opposer is timely filing this Notice of Opposition within the prescribed statutory period.

14. WHEREFORE, Opposer requests the Application Serial No. 88588324 be rejected as to Class 5 goods , that no registration issue to the Applicant as to Class 5 goods, and that this opposition as to Class 5 goods , be sustained in favor of the Opposer.

Please deduct the \$400 fee and any additional fees from Deposit Account 122136.

Respectfully submitted,

IMMUNOTEC INC.

By:     /Ashley Glime/      
Ashley A. Glime  
John L. Beard  
Butzel Long, PC  
Attorney for Opposer  
301 East Liberty Street, Suite 500  
Ann Arbor, MI 48104  
Tel. 734-213-3631

# Exhibit A



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Mark: IMMUNOTEC

IMMUNOTEC

US Serial Number: 76148714

Application Filing Date: Oct. 17, 2000

US Registration Number: 2537974

Registration Date: Feb. 12, 2002

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: Jan. 23, 2012

Publication Date: Nov. 20, 2001

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## Mark Information

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Mark Literal Elements: IMMUNOTEC

Standard Character Claim: No

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

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## Goods and Services

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**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: Dietary supplements; vitamin and mineral supplements

International Class(es): 005 - Primary Class

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

Class Status: ACTIVE

Basis: 1(a)

First Use: Sep. 1998

Use in Commerce: Sep. 1998

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## Basis Information (Case Level)

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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

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## Current Owner(s) Information

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Owner Name: IMMUNOTEC INC.

Owner Address: 300 JOSEPH-CARRIER, VAUDREUIL-DORION

QUEBEC CANADA J7V 5V5

Legal Entity Type: CORPORATION

State or Country CANADA  
Where Organized:

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Ashley A Glime **Docket Number:** 149391-0076  
**Attorney Primary Email Address:** [trademark@butzel.com](mailto:trademark@butzel.com) **Attorney Email Authorized:** Yes

### Correspondent

**Correspondent Name/Address:** Ashley A Glime  
Butzel Long  
301 E. Liberty St.  
Suite 500  
Ann Arbor, MICHIGAN UNITED STATES 48104  
**Phone:** 7349953110  
**Correspondent e-mail:** [trademark@butzel.com](mailto:trademark@butzel.com) [glim@butzel.com](mailto:glim@butzel.com) [beard@butzel.com](mailto:beard@butzel.com) [fitzgerald@butzel.com](mailto:fitzgerald@butzel.com) [haffey@butzel.com](mailto:haffey@butzel.com) **Correspondent e-mail Authorized:** Yes

### Domestic Representative

**Domestic Representative Name:** Ashley A Glime **Phone:** 7349953110  
**Domestic Representative e-mail:** [trademark@butzel.com](mailto:trademark@butzel.com) **Domestic Representative e-mail Authorized:** Yes

## Prosecution History

Date	Description	Proceeding Number
May 18, 2018	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
May 18, 2018	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Apr. 10, 2018	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Apr. 10, 2018	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Jan. 23, 2012	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - MAILED	
Jan. 23, 2012	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	69934
Jan. 23, 2012	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	69934
Dec. 30, 2011	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Dec. 30, 2011	TEAS SECTION 8 & 9 RECEIVED	
Sep. 27, 2007	REGISTERED - SEC. 8 (6-YR) ACCEPTED	69934
Sep. 17, 2007	ASSIGNED TO PARALEGAL	69934
Aug. 30, 2007	REGISTERED - SEC. 8 (6-YR) FILED	
Aug. 30, 2007	PAPER RECEIVED	
Aug. 08, 2007	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Apr. 03, 2007	CASE FILE IN TICRS	
Nov. 14, 2005	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Mar. 25, 2004	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Feb. 12, 2002	REGISTERED-PRINCIPAL REGISTER	
Nov. 20, 2001	PUBLISHED FOR OPPOSITION	
Oct. 31, 2001	NOTICE OF PUBLICATION	
Jun. 15, 2001	APPROVED FOR PUB - PRINCIPAL REGISTER	
May 07, 2001	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Mar. 14, 2001	NON-FINAL ACTION MAILED	
Feb. 22, 2001	ASSIGNED TO EXAMINER	77763

## TM Staff and Location Information

TM Staff Information - None

**File Location**

Current Location: GENERIC WEB UPDATE

Date in Location: Jan. 23, 2012

**Assignment Abstract Of Title Information****Summary**

Total Assignments: 1

Registrant: Immunotec Research Ltd.

**Assignment 1 of 1**

Conveyance: MERGER EFFECTIVE 01012007

Reel/Frame: [3593/0196](#)

Pages: 7

Date Recorded: Aug. 02, 2007

Supporting Documents: [assignment-tm-3593-0196.pdf](#)**Assignor**Name: [IMMUNOTEC RESEARCH LTD.](#)

Execution Date: Jan. 01, 2007

Legal Entity Type: CORPORATION

State or Country Where Organized: CANADA

**Assignee**Name: [IMMUNOTEC INC.](#)

State or Country Where Organized: CANADA

Legal Entity Type: CORPORATION

Address: 300 JOSEPH-CARRIER, VAUDREUIL-DORION  
QUEBEC, CANADA J7V 5V5**Correspondent**

Correspondent Name: JANET F. SATTERTHWAITE, ESQ.

Correspondent Address: P.O. BOX 34385  
WASHINGTON, DC 20043**Domestic Representative - Not Found****Proceedings****Summary**

Number of Proceedings: 2

**Type of Proceeding: Opposition**Proceeding Number: [91245830](#)

Filing Date: Jan 09, 2019

Status: Suspended

Status Date: Mar 27, 2019

Interlocutory Attorney: MARY CATHERINE FAINT

**Defendant**

Name: imuno Corporation

Correspondent Address: BRADLEY D CROSE  
CROSE LAW LLC  
112 NORTHBROOKE TRACE  
WOODSTOCK GA UNITED STATESCorrespondent e-mail: [Brad@CroseLaw.com](mailto:Brad@CroseLaw.com)**Associated marks**

Mark	Application Status	Serial Number	Registration Number
IMUNO	Opposition Pending	<a href="#">79236191</a>	

**Plaintiff(s)**

Name: Immunotec, Inc.

Correspondent ASHLEY GLIME

**Address:** BUTZEL LONG  
301 E LIBERTY ST SUITE 500  
ANN ARBOR MI UNITED STATES , 48104

**Correspondent e-mail:** [trademark@butzel.com](mailto:trademark@butzel.com) , [glime@butzel.com](mailto:glime@butzel.com) , [beard@butzel.com](mailto:beard@butzel.com) , [fitzgerald@butzel.com](mailto:fitzgerald@butzel.com)

Mark	Application Status	Serial Number	Registration Number
IMMUNOTEC	REGISTERED AND RENEWED	<a href="#">76148714</a>	<a href="#">2537974</a>
IMMUNOTEC	REGISTERED AND RENEWED	<a href="#">77250241</a>	<a href="#">3568284</a>
IMMUNOCAL	REGISTERED AND RENEWED	<a href="#">75980996</a>	<a href="#">2493551</a>
IMMUNOCAL	REGISTERED AND RENEWED	<a href="#">75646346</a>	<a href="#">2326173</a>
IMMUNOCAL	REGISTERED AND RENEWED	<a href="#">74394377</a>	<a href="#">2160720</a>

#### Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jan 09, 2019	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jan 14, 2019	Feb 23, 2019
3	INSTITUTED	Jan 14, 2019	
4	D APPEARANCE / POWER OF ATTORNEY	Feb 19, 2019	
5	ANSWER	Feb 19, 2019	
6	P MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Mar 27, 2019	
7	SUSPENDED	Mar 27, 2019	
8	P MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	May 23, 2019	
9	SUSPENDED	May 23, 2019	
10	P MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Jul 22, 2019	
11	SUSPENDED	Jul 22, 2019	
12	P MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Sep 16, 2019	
13	SUSPENDED	Sep 16, 2019	
14	P MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Nov 12, 2019	
15	SUSPENDED	Nov 12, 2019	
16	P MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Jan 06, 2020	
17	SUSPENDED	Jan 06, 2020	
18	P MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Mar 05, 2020	
19	SUSPENDED	Mar 05, 2020	
20	P MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	May 05, 2020	
21	SUSPENDED	May 05, 2020	

#### Type of Proceeding: Opposition

**Proceeding Number:** [91121550](#)

**Filing Date:** Nov 21, 2000

**Status:** Terminated

**Status Date:** Feb 28, 2003

**Interlocutory Attorney:** FRANCES S WOLFSON

#### Defendant

**Name:** PHARMAVITE CORPORATION

**Correspondent Address:** WILLMORE F. HOLBROW, III  
BLAKELY SOKOLOFF TAYLOR & ZAFMAN  
12400 WILSHIRE BLVD, 7TH FL  
LOS ANGELES CA UNITED STATES , 90025

Mark	Application Status	Serial Number	Registration Number
IMMUNOTICS	Abandoned - After Inter-Partes Decision	<a href="#">75886230</a>	

#### Plaintiff(s)

**Name:** IMMUNOTEC RESEARCH LIMITED

**Correspondent Address:** JANET F. SATTERTHWAITE  
VENABLE, BAETJER, HOWARD & CIVILETTI,LLP

1201 NEW YORK AVE, N.W., SUITE 1000  
WASHINGTON DC UNITED STATES , 20005-3917

**Associated marks**

<b>Mark</b>	<b>Application Status</b>	<b>Serial Number</b>	<b>Registration Number</b>
IMMUNOTEC	REGISTERED AND RENEWED	<a href="#">76148714</a>	<a href="#">2537974</a>

**Prosecution History**

<b>Entry Number</b>	<b>History Text</b>	<b>Date</b>	<b>Due Date</b>
1	FILED AND FEE	Nov 21, 2000	
2	LETTER RE: DIFFERENT OPPOSER	Dec 04, 2000	
3	PL'S RESPONSE	Dec 18, 2000	
4	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jan 08, 2001	Feb 17, 2001
5	PENDING, INSTITUTED	Jan 08, 2001	
6	ANSWER	Feb 20, 2001	
7	PL'S MOT FOR LEAVE TO FILE AMENDED NOTICE OF OPP	Mar 02, 2001	
8	TRIAL DATES RESET	May 22, 2001	
9	P'S MOT FOR EXTEN. OF TIME W/ CONSENT	Sep 27, 2001	
10	STIPULATED PROTECTEIVE ORDER	Nov 19, 2001	
11	PROTECTIVE ORDER NOTED	Jan 08, 2002	
12	P'S MOT FOR EXTEN. OF TIME W/ CONSENT	Dec 04, 2001	
13	EXTENSION GRANTED	Jan 11, 2002	
14	P'S MOT FOR EXTEN. OF TIME W/ CONSENT	Feb 22, 2002	
15	SUSP SIX MONTHS	Mar 14, 2002	
16	PROC RESUMED; TRIAL DATES RESET	Dec 17, 2002	
17	EXPRESS ABANDONMENT	Feb 19, 2003	
18	BOARD'S DECISION: SUSTAINED	Feb 28, 2003	
19	TERMINATED	Feb 28, 2003	

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Mark: IMMUNOTEC

# IMMUNOTEC

US Serial Number: 77250241

Application Filing Date: Aug. 08, 2007

US Registration Number: 3568284

Registration Date: Jan. 27, 2009

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: Feb. 26, 2019

Publication Date: Feb. 19, 2008

Notice of Allowance Date: May 13, 2008

## Mark Information

Mark Literal Elements: IMMUNOTEC

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

## 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: Skin cream

International Class(es): 003 - Primary Class

U.S Class(es): 001, 004, 006, 050, 051, 052

Class Status: ACTIVE

Basis: 1(a)

First Use: May 28, 2007

Use in Commerce: May 28, 2007

For: Appetite suppressants; dietary and nutritional supplements in liquid, powder or capsule form; herbal supplements; dietary and nutritional supplements, namely, herbal tonics and bioactive milk peptides; whey protein dietary and nutritional supplements

International Class(es): 005 - Primary Class

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

Class Status: ACTIVE

Basis: 1(a)

First Use: May 28, 2007

Use in Commerce: May 28, 2007

For: Natural dairy products and any derivatives thereof, namely, whey, whey protein concentrate, whey-based food beverages; milk derived protein products, namely, milk derived protein used for a food filler or additive, and milk protein isolate, all in liquid, powder or capsule form

International Class(es): 029 - Primary Class

U.S Class(es): 046

Class Status: ACTIVE

**Basis:** 1(a)

**First Use:** May 28, 2007

**Use in Commerce:** May 28, 2007

**For:** Herbal energy drinks; whey-based powders for use in making beverages

**International Class(es):** 032 - Primary Class

**U.S Class(es):** 045, 046, 048

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** May 28, 2007

**Use in Commerce:** May 28, 2007

## 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:** Immunotec Inc.

**Owner Address:** 300 Joseph-Carrier  
Vaudreuil-DorionQuebec CANADA j7v5v5

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** CANADA

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Janet F. Satterthwaite

**Docket Number:** 149391-0080

### Correspondent

**Correspondent Name/Address:** Janet F. Satterthwaite  
VENABLE LLP  
P.O. Box 34385  
WASHINGTON, DISTRICT OF COLUMBIA UNITED STATES 200439998

**Phone:** 202 344 4000

**Fax:** 202 344 8300

### Domestic Representative

**Domestic Representative Name:** Janet F. Satterthwaite

## Prosecution History

Date	Description	Proceeding Number
Feb. 26, 2019	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - MAILED	
Feb. 26, 2019	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	67723
Feb. 26, 2019	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	67723
Feb. 26, 2019	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	67723
Jan. 23, 2019	TEAS SECTION 8 & 9 RECEIVED	
May 18, 2018	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
May 18, 2018	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Apr. 10, 2018	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Apr. 10, 2018	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Jul. 12, 2015	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - MAILED	
Jul. 11, 2015	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	76293
Jul. 11, 2015	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	76293

Jun. 18, 2015	TEAS SECTION 8 & 15 RECEIVED	
Jan. 27, 2009	REGISTERED-PRINCIPAL REGISTER	
Dec. 19, 2008	LAW OFFICE REGISTRATION REVIEW COMPLETED	71441
Dec. 17, 2008	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Dec. 17, 2008	EXAMINER'S AMENDMENT ENTERED	88888
Dec. 17, 2008	SU-EXAMINER'S AMENDMENT WRITTEN	83181
Nov. 26, 2008	STATEMENT OF USE PROCESSING COMPLETE	65362
Nov. 12, 2008	USE AMENDMENT FILED	65362
Nov. 26, 2008	CASE ASSIGNED TO INTENT TO USE PARALEGAL	65362
Nov. 12, 2008	PAPER RECEIVED	
May 13, 2008	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Feb. 19, 2008	PUBLISHED FOR OPPOSITION	
Jan. 30, 2008	NOTICE OF PUBLICATION	
Jan. 14, 2008	LAW OFFICE PUBLICATION REVIEW COMPLETED	71441
Jan. 07, 2008	EXAMINERS AMENDMENT MAILED	
Jan. 04, 2008	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jan. 04, 2008	EXAMINER'S AMENDMENT ENTERED	88888
Jan. 04, 2008	EXAMINERS AMENDMENT -WRITTEN	83181
Dec. 18, 2007	PREVIOUS ALLOWANCE COUNT WITHDRAWN	
Dec. 03, 2007	WITHDRAWN FROM PUB - OG REVIEW QUERY	61844
Nov. 20, 2007	LAW OFFICE PUBLICATION REVIEW COMPLETED	71441
Nov. 20, 2007	APPROVED FOR PUB - PRINCIPAL REGISTER	
Nov. 20, 2007	EXAMINER'S AMENDMENT MAILED	
Nov. 19, 2007	EXAMINER'S AMENDMENT ENTERED	88888
Nov. 19, 2007	EXAMINERS AMENDMENT -WRITTEN	83181
Nov. 14, 2007	ASSIGNED TO EXAMINER	83181
Oct. 17, 2007	AMENDMENT FROM APPLICANT ENTERED	71441
Oct. 17, 2007	CORRESPONDENCE RECEIVED IN LAW OFFICE	71441
Oct. 17, 2007	ASSIGNED TO LIE	71441
Sep. 07, 2007	PAPER RECEIVED	
Aug. 13, 2007	NEW APPLICATION ENTERED IN TRAM	

## TM Staff and Location Information

**TM Staff Information - None**  
**File Location**

**Current Location:** GENERIC WEB UPDATE

**Date in Location:** Feb. 26, 2019

## Proceedings

### Summary

**Number of Proceedings:** 1

### Type of Proceeding: Opposition

**Proceeding Number:** [91245830](#)

**Filing Date:** Jan 09, 2019

**Status:** Suspended

**Status Date:** Mar 27, 2019

**Interlocutory Attorney:** MARY CATHERINE FAINT

### Defendant

**Name:** imuno Corporation

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**Associated marks**

Mark	Application Status	Serial Number	Registration Number
IMUNO	Opposition Pending	<a href="#">79236191</a>	

**Plaintiff(s)**

**Name:** Immunotec, Inc.

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**Associated marks**

Mark	Application Status	Serial Number	Registration Number
IMMUNOTEC	REGISTERED AND RENEWED	<a href="#">76148714</a>	<a href="#">2537974</a>
IMMUNOTEC	REGISTERED AND RENEWED	<a href="#">77250241</a>	<a href="#">3568284</a>
IMMUNOCAL	REGISTERED AND RENEWED	<a href="#">75980996</a>	<a href="#">2493551</a>
IMMUNOCAL	REGISTERED AND RENEWED	<a href="#">75646346</a>	<a href="#">2326173</a>
IMMUNOCAL	REGISTERED AND RENEWED	<a href="#">74394377</a>	<a href="#">2160720</a>

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jan 09, 2019	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jan 14, 2019	Feb 23, 2019
3	INSTITUTED	Jan 14, 2019	
4	D APPEARANCE / POWER OF ATTORNEY	Feb 19, 2019	
5	ANSWER	Feb 19, 2019	
6	P MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Mar 27, 2019	
7	SUSPENDED	Mar 27, 2019	
8	P MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	May 23, 2019	
9	SUSPENDED	May 23, 2019	
10	P MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Jul 22, 2019	
11	SUSPENDED	Jul 22, 2019	
12	P MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Sep 16, 2019	
13	SUSPENDED	Sep 16, 2019	
14	P MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Nov 12, 2019	
15	SUSPENDED	Nov 12, 2019	
16	P MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Jan 06, 2020	
17	SUSPENDED	Jan 06, 2020	
18	P MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Mar 05, 2020	
19	SUSPENDED	Mar 05, 2020	
20	P MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	May 05, 2020	
21	SUSPENDED	May 05, 2020	