

Mark: BEAUTYLIGHT

BEAUTYLIGHT

US Serial Number: 78214595

Application Filing Date: Feb. 13, 2003

US Registration Number: 3313370

Registration Date: Oct. 16, 2007

Register: Principal

Mark Type: Trademark

TM5 Common Status Descriptor:



DEAD/REGISTRATION/Cancelled/Invalidated

The trademark application was registered, but subsequently it was cancelled or invalidated and removed from the registry.

Status: Registration cancelled under Section 18 by the Trademark Trial and Appeal Board. For further information, see TTABVue on the Trademark Trial and Appeal Board web page.

Status Date: Jun. 25, 2010

Publication Date: Mar. 14, 2006 Notice of Allowance Date: Jun. 06, 2006

Date Cancelled: Jun. 25, 2010

Mark Information

Mark Literal Elements: BEAUTYLIGHT

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

Foreign Information

Priority Claimed: Yes

Foreign Application Number: 20027177

Foreign Application Filing Date: Aug. 19, 2002

Foreign Application/Registration Country: SWITZERLAND

Priority Claimed: Yes

Foreign Application Number: 20027177

Foreign Application Filing Date: Aug. 19, 2002

Foreign Registration Number: 507962

Foreign Registration Date: Feb. 19, 2003

Foreign Application/Registration Country: SWITZERLAND

Foreign Expiration Date: Aug. 19, 2012

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: LIGHT MODIFYING PHARMACEUTICAL PREPARATIONS AND PHARMACEUTICAL PREPARATIONS USED IN PHOTODYNAMIC THERAPY, NAMELY, PHOTOFRIN, 5-AMINOLEVULANIC ACID, HEMATOPORPHYRIN, VERTERORFIN, CHLORINES, PHTHALDODYANINES, PHENOTHIANZINE, BENZOPORPHYRIN DERIVATIVE MONO ACID-A, 1-PHENYLALANIN, PLENOSOL,

IPR2024-01312

Biofrontera Inc. et al v. Sun Pharmaceutical et al

Sun Pharmaceutical's Exhibit 2005

EX2005, Page 1

HYALYRON ACID, BOTOLIMUM ACID, KINETIN, HYDROQUINONE, TRETINOIN, DEXTAMETHASONE, HYDROPHILIC OINTMENT, ASCORBIC ACID, ACCEROLA ACID AND COLLAGENE

International Class(es): 005 - Primary Class

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

Class Status: SECTION 18 - CANCELLED

Basis: 1(a) 44(e)

First Use: Mar. 27, 2007

Use in Commerce: Mar. 27, 2007

For: MEDICAL STIMULATION DEVICES FOR PHOTODYNAMIC THERAPY HAVING A LASER AND/OR SEMICONDUCTOR DIODES FOR EMITTING LIGHT RADIATION TO ACTIVATE LIGHT-ACTIVATABLE SUBSTANCES ABSORBED INTO TISSUE AND AN ELECTROMAGNETIC WAVE RADIATOR FOR CONCURRENTLY EMITTING ELECTROMAGNETIC RADIATION ONTO THE TISSUE, AND PARTS AND ACCESSORIES THEREFOR, FOR THE TREATMENT OF DERMATOLOGICAL DISEASES AND CONDITIONS, INFLAMMATORY DISEASES AND CONDITIONS, AND LONG TERM CHRONIC DISEASES AND CONDITIONS

International Class(es): 010 - Primary Class

U.S Class(es): 026, 039, 044

Class Status: SECTION 18 - CANCELLED

Basis: 1(a) 44(e)

First Use: Mar. 27, 2007

Use in Commerce: Mar. 27, 2007

Basis Information (Case Level)

Filed Use: No

Currently Use: Yes

Filed ITU: Yes

Currently ITU: No

Filed 44D: Yes

Currently 44D: No

Filed 44E: No

Currently 44E: Yes

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: MDE Medizintechnik GmbH

Owner Address: P. Fach 1016
Schaffhausen SWITZERLAND CH-8201

Legal Entity Type: CORPORATION

State or Country Where Organized: SWITZERLAND

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Myron Cohen

Docket Number: 5089-6

Attorney Primary Email Address: mcohen@cplplaw.com

Attorney Email Authorized: No

Correspondent

Correspondent Name/Address: Myron Cohen
Cozen O'Connor
277 Park Avenue
New York, NEW YORK UNITED STATES 10172

Phone: (212) 883-4900

Fax: (212) 986-0604

Correspondent e-mail: NYOdoCKET@cozen.com

Correspondent e-mail Authorized: Yes

Domestic Representative

** Domestic Representative Name:** Myron Cohen

Phone: 212-687-2770

Fax: 212-972-5487

** Domestic Representative e-mail:** mcohen@cplplaw.com

** Domestic Representative e-mail Authorized:** Yes

Prosecution History

Date	Description	Proceeding Number
Jul. 25, 2011	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jun. 25, 2010	CANCELLED SECTION 18-TOTAL	
Jun. 25, 2010	CANCELLATION TERMINATED NO. 999999	
Jun. 16, 2010	CANCELLATION GRANTED NO. 999999	
Sep. 18, 2008	CANCELLATION INSTITUTED NO. 999999	
Oct. 16, 2007	REGISTERED-PRINCIPAL REGISTER	
Sep. 12, 2007	LAW OFFICE REGISTRATION REVIEW COMPLETED	
Sep. 12, 2007	ASSIGNED TO LIE	
Aug. 06, 2007	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Aug. 02, 2007	STATEMENT OF USE PROCESSING COMPLETE	
May 29, 2007	USE AMENDMENT FILED	
May 29, 2007	TEAS STATEMENT OF USE RECEIVED	
Dec. 04, 2006	SOU EXTENSION 1 GRANTED	
Dec. 04, 2006	SOU EXTENSION 1 FILED	
Dec. 04, 2006	SOU TEAS EXTENSION RECEIVED	
Jun. 06, 2006	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Mar. 14, 2006	PUBLISHED FOR OPPOSITION	
Feb. 22, 2006	NOTICE OF PUBLICATION	
Jan. 27, 2006	LAW OFFICE PUBLICATION REVIEW COMPLETED	
Dec. 21, 2005	ASSIGNED TO LIE	
Dec. 15, 2005	APPROVED FOR PUB - PRINCIPAL REGISTER	
Dec. 15, 2005	EXAMINERS AMENDMENT E-MAILED	
Dec. 15, 2005	EXAMINERS AMENDMENT -WRITTEN	
Dec. 14, 2005	AMENDMENT FROM APPLICANT ENTERED	
Nov. 21, 2005	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Nov. 21, 2005	PAPER RECEIVED	
Sep. 13, 2005	FINAL REFUSAL E-MAILED	
Sep. 13, 2005	FINAL REFUSAL WRITTEN	
Aug. 24, 2005	AMENDMENT FROM APPLICANT ENTERED	
Aug. 15, 2005	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Aug. 15, 2005	PAPER RECEIVED	
Mar. 14, 2005	INQUIRY TO SUSPENSION E-MAILED	
Mar. 14, 2005	SUSPENSION INQUIRY WRITTEN	
Aug. 27, 2004	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	
Mar. 13, 2004	LETTER OF SUSPENSION E-MAILED	
Jan. 23, 2004	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Jan. 23, 2004	PAPER RECEIVED	
Jul. 22, 2003	NON-FINAL ACTION E-MAILED	
Jul. 21, 2003	ASSIGNED TO EXAMINER	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: TTAB

Date in Location: Jun. 25, 2010

Proceedings

Summary

Number of 1
Proceedings:

Type of Proceeding: Cancellation

Proceeding [92049953](#)
Number:

Filing Date: Sep 17, 2008

Status: Terminated

Status Date: Jun 25, 2010

Interlocutory Attorney: JENNIFER KRISP

Defendant

Name: MDE Medizintechnik GmbH

Correspondent Address: SUSAN UPTON DOUGLASS
FROSS ZELNICK LEHRMAN & ZISSU
866 UNITED NATIONS PLAZA
NEW YORK NY UNITED STATES , 10017

Correspondent e-mail: sdouglass@frosszelnick.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BEAUTYLIGHT		78214595	3313370

Plaintiff(s)

Name: Matthew Rolston, Photographer, Inc.

Correspondent Address: MICHAEL J. ALLAN
STEPTOE & JOHNSON LLP
1330 CONNECTICUT AVE NW
WASHINGTON DC UNITED STATES , 20036

Correspondent e-mail: rhofstatter@steptoe.com , mallan@steptoe.com , mcooke@steptoe.com , ipdocketing@steptoe.com , kstowe@steptoe.com

Prosecution History

Entry Number	History Text	Date	Due Date
30	TERMINATED	Jun 25, 2010	
29	COMMR'S ORDER CANCELLING REGISTRATION	Jun 25, 2010	
28	BOARD'S DECISION: GRANTED	Jun 16, 2010	
27	SHOW CAUSE ORDER	Apr 29, 2010	
26	P'S MOTION TO COMPEL DISCOVERY	Apr 02, 2010	
25	TRIAL DATES RESET	Mar 23, 2010	
24	EXTENSION OF TIME GRANTED	Mar 05, 2010	
23	STIPULATION FOR AN EXTENSION OF TIME	Mar 05, 2010	
22	P'S MOTION TO AMEND PLEADING/AMENDED PLEADING	Dec 31, 2009	
21	D'S MOTION FOR AN EXTENSION OF TIME	Dec 08, 2009	
20	D'S APPEARANCE OF COUNSEL/POWER OF ATTORNEY	Dec 08, 2009	
19	D'S APPEARANCE OF COUNSEL/POWER OF ATTORNEY	Dec 08, 2009	
18	Suspended; Procs will resume in 30 days, dates are reset	Nov 23, 2009	
17	Petitioner's Expert Disclosure	Nov 17, 2009	
16	EXTENSION OF TIME GRANTED	Oct 19, 2009	
15	STIPULATION FOR AN EXTENSION OF TIME	Oct 19, 2009	
14	EXTENSION OF TIME GRANTED	Sep 17, 2009	
13	STIPULATION FOR AN EXTENSION OF TIME	Sep 17, 2009	
12	EXTENSION OF TIME GRANTED	Aug 14, 2009	
11	STIPULATION FOR AN EXTENSION OF TIME	Aug 14, 2009	
10	EXTENSION OF TIME GRANTED	Jun 15, 2009	
9	STIPULATION FOR AN EXTENSION OF TIME	Jun 15, 2009	
8	PROCEEDINGS RESUMED	Mar 18, 2009	
7	D'S RESPONSE TO BOARD ORDER/INQUIRY	Feb 23, 2009	
6	RESPONSE DUE 30 DAYS (DUE DATE)	Jan 28, 2009	Feb 27, 2009
5	D'S REQUEST TO WITHDRAW AS ATTORNEY	Jan 26, 2009	
4	ANSWER	Oct 28, 2008	
3	PENDING, INSTITUTED	Sep 18, 2008	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Sep 18, 2008	Oct 28, 2008
1	FILED AND FEE	Sep 17, 2008	

Trademark/Service Mark Statement of Use (15 U.S.C. Section 1051(d))

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	78214595
LAW OFFICE ASSIGNED	LAW OFFICE 112
NOTICE OF ALLOWANCE	YES
EXTENSION OF USE	NO
REQUEST TO DIVIDE	NO
MARK SECTION	
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	BEAUTYLIGHT
OWNER SECTION (no change)	
ATTORNEY SECTION (current)	
NAME	Myron Cohen
DOCKET NUMBER	5089-6
ATTORNEY SECTION (proposed)	
NAME	Lance J. Lieberman
DOCKET NUMBER	5089-6
GOODS AND/OR SERVICES SECTION	
INTERNATIONAL CLASS	005
GOODS AND/OR SERVICES	KEEP ALL LISTED
FIRST USE ANYWHERE DATE	03/27/2007
FIRST USE IN COMMERCE DATE	03/27/2007
SPECIMEN FILE NAME(S)	\\TICRS2\EXPORT13\782\145\78214595\xml1\SOU0002.JPG
SPECIMEN DESCRIPTION	The specimen is an electronic image of the product showing the mark as used.
INTERNATIONAL CLASS	010
GOODS AND/OR SERVICES	KEEP ALL LISTED
FIRST USE ANYWHERE DATE	03/27/2007
FIRST USE IN COMMERCE DATE	03/27/2007
SPECIMEN FILE NAME(S)	\\TICRS2\EXPORT13\782\145\78214595\xml1\SOU0003.JPG
SPECIMEN DESCRIPTION	The specimen is an electronic image of the product showing the mark as used.

PAYMENT SECTION	
NUMBER OF CLASSES	2
SUBTOTAL AMOUNT	200
TOTAL AMOUNT	200
SIGNATURE SECTION	
SIGNATURE	/Lance J. Lieberman/
SIGNATORY NAME	Lance J. Lieberman
SIGNATORY DATE	05/29/2007
SIGNATORY POSITION	Attorney for Applicant
FILING INFORMATION	
SUBMIT DATE	Tue May 29 10:38:19 EDT 2007
TEAS STAMP	USPTO/SOU-XXX.XX.XX.XXX-2 0070529103819914860-78214 595-360bdf9d050219ffb2b9e 5b284c4385c2c3-DA-5582-20 070529102556179278

**Trademark/Service Mark Statement of Use
(15 U.S.C. Section 1051(d))**

To the Commissioner for Trademarks:

MARK: BEAUTYLIGHT

SERIAL NUMBER: 78214595

This Allegation of Use is being filed after a Notice of Allowance has issued.

The applicant, MDE Medizintechnik GmbH, having an address of P. Fach 1016, Schaffhausen, Switzerland CH-8201, is using or is using through a related company or licensee the mark in commerce on or in connection with the goods and/or services as follows:

For International Class: 005, the applicant, or the applicant's related company or licensee, is using the mark in commerce on or in connection with all goods and/or services listed in the application or Notice of Allowance.

The mark was first used by the applicant, or the applicant's related company, licensee, or predecessor in interest at least as early as 03/27/2007, and first used in commerce at least as early as 03/27/2007, and is now in use in such commerce. The applicant is submitting one specimen for the class showing the mark as used in commerce on or in connection with any item in the class, consisting of a(n) The specimen is an electronic image of the product showing the mark as used..

[Specimen-1](#)

For International Class: 010, the applicant, or the applicant's related company or licensee, is using the mark in commerce on or in connection with all goods and/or services listed in the application or Notice of Allowance.

The mark was first used by the applicant, or the applicant's related company, licensee, or predecessor in interest at least as early as 03/27/2007, and first used in commerce at least as early as 03/27/2007, and is now in use in such commerce. The applicant is submitting one specimen for the class showing the mark as used in commerce on or in connection with any item in the class, consisting of a(n) The specimen is an electronic image of the product showing the mark as used..

[Specimen-1](#)

The applicant hereby appoints Lance J. Lieberman to submit this Trademark/Service Mark Statement of Use on behalf of the applicant. The attorney docket/reference number is 5089-6.

A fee payment in the amount of \$200 will be submitted with the form, representing payment for 2 classes.

Declaration

Applicant requests registration of the above-identified trademark/service mark in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq., as amended). Applicant is the owner of the mark sought to be registered, and is using the mark in commerce on or in connection with the goods/services identified above, as evidenced by the attached specimen(s) showing the mark as used in commerce.

The undersigned being hereby warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements and the like may jeopardize the validity of this document, declares that he/she is properly authorized to execute this document on behalf of the Owner; and all statements made of his/her own knowledge are true and that all statements made on information and belief are believed to be true.

Signature: /Lance J. Lieberman/ Date Signed: 05/29/2007

Signatory's Name: Lance J. Lieberman

Signatory's Position: Attorney for Applicant

RAM Sale Number: 5582

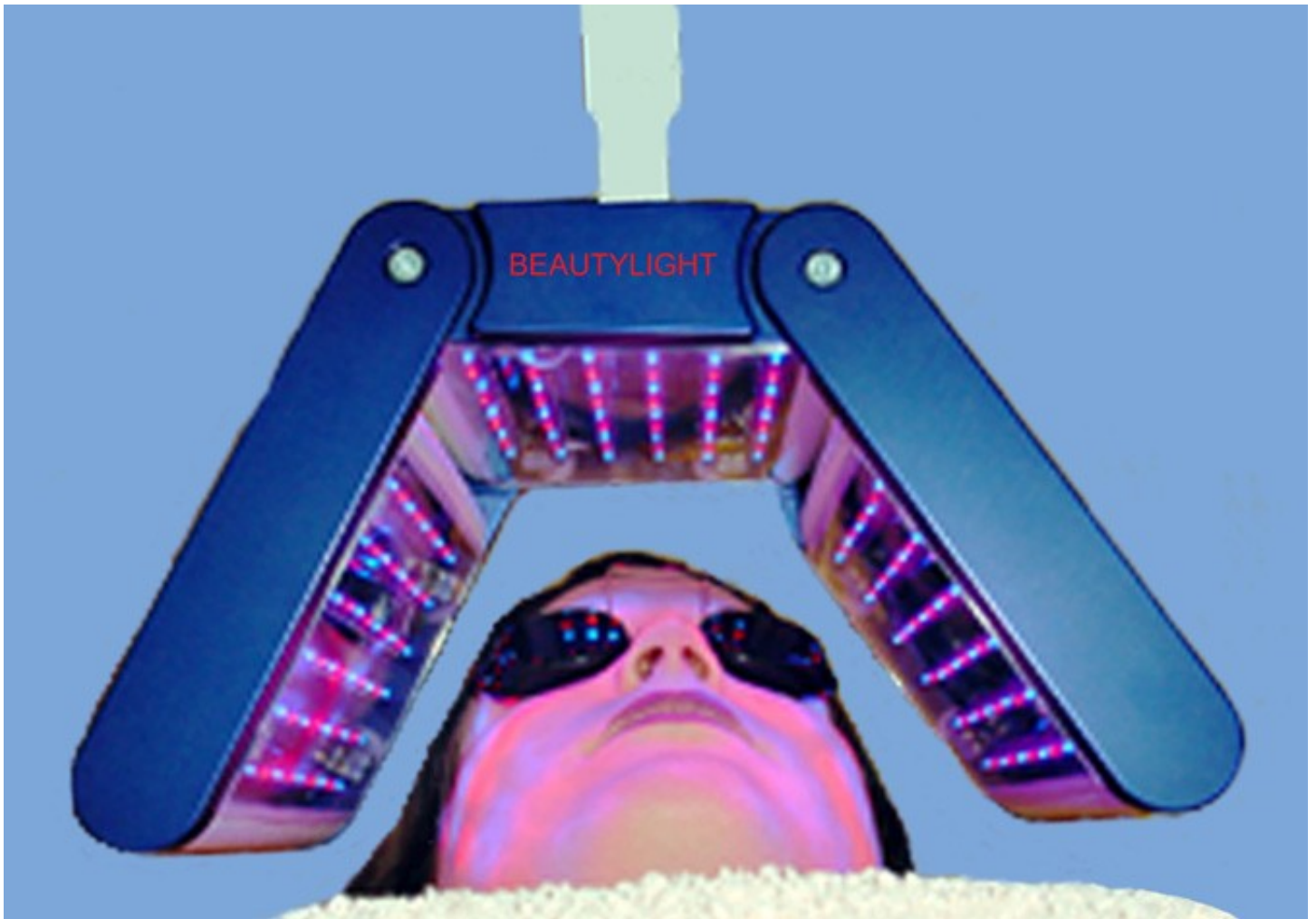
RAM Accounting Date: 05/29/2007

Serial Number: 78214595

Internet Transmission Date: Tue May 29 10:38:19 EDT 2007

TEAS Stamp: USPTO/SOU-XXX.XX.XX.XXX-2007052910381991
4860-78214595-360bdf9d050219ffb2b9e5b284
c4385c2c3-DA-5582-20070529102556179278





UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

kk

Mailed: January 28, 2009

Cancellation No. 92049953

Matthew Rolston,
Photographer, Inc.

v.

MDE Medizintechnik GmbH

Jennifer Krisp, Interlocutory Attorney:

On, January 26, 2009 respondent's counsel filed a request to withdraw as counsel of record in this case. The request to withdraw is in compliance with the requirements of Trademark Rule 2.19(b) and Patent and Trademark Rule 10.40, and is accordingly granted. The law firm of Cohen, Pontani, Lieberman & Pavane no longer represents respondent in this proceeding.

In view of the withdrawal of respondent's counsel, and in accordance with standard Board practice, proceedings herein are suspended, and respondent is allowed thirty days from the mailing date of this order to appoint new counsel, or to file a paper stating that respondent chooses to represent itself. If respondent files no response, the Board may issue an order to show cause why default judgment should not be entered

Cancellation No. 92049953

against respondent based on respondent's apparent loss of interest in the case.

The parties will be notified by the Board when proceedings are resumed, and dates will be rescheduled at the appropriate time.

A copy of this order has been sent to all persons listed below.

cc:

Michelle Cooke
Steptoe & Johnson, LLP
2121 Avenue of the Stars, Suite 2800
Los Angeles, CA 90067

Myron Cohen
Cohen, Pontani, Lieberman & Pavane
551 Fifth Avenue, Suite 1210
New York, NY 10176

Mr. Eric Larsen
MDE Medizintechnik GmbH
P. Fach 400
Schaffhausen 8201
Switzerland

NEWS FROM THE TTAB:

The USPTO published a notice of final rulemaking in the Federal Register on August 1, 2007, at 72 F.R. 42242. By this notice, various rules governing Trademark Trial and Appeal Board inter partes proceedings are amended. Certain amendments have an effective date of August 31, 2007, while most have an effective date of November 1, 2007. For further information, the parties are referred to a reprint of the final rule and a chart summarizing the affected rules, their changes, and effective dates, both viewable on the USPTO website via these web addresses:

<http://www.uspto.gov/web/offices/com/sol/notices/72fr42242.pdf>
http://www.uspto.gov/web/offices/com/sol/notices/72fr42242_FinalRuleChart.pdf

By one rule change effective August 31, 2007, the Board's standard protective order is made applicable to all TTAB

inter partes cases, whether already pending or commenced on or after that date. However, as explained in the final rule and chart, this change will not affect any case in which any protective order has already been approved or imposed by the Board. Further, as explained in the final rule, parties are free to agree to a substitute protective order or to supplement or amend the standard order even after August 31, 2007, subject to Board approval. The standard protective order can be viewed using the following web address:
<http://www.uspto.gov/web/offices/dcom/ttab/tbmp/stndagmnt.htm>

ESTTA Tracking number: **ESTTA320711**

Filing date: **12/08/2009**

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

Proceeding	92049953
Party	Defendant MDE Medizintechnik GmbH
Correspondence Address	Mr. Eric Larsen MDE Medizintechnik GmbH P. Fach 400 Scaffhausen, 8201 SWITZERLAND el@md-technic.com, info@md-technic.com
Submission	Appearance of Counsel/Power of Attorney
Filer's Name	Susan Upton Douglass
Filer's e-mail	sdouglass@fzlz.com
Signature	/Susan Upton Douglass/
Date	12/08/2009
Attachments	MDE Medizintechnik GmbH - POA (F0551777).PDF (1 page)(494826 bytes)