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

Proceeding	77939659
Applicant	Alvogen IP Co S.a.r.l.
Applied for Mark	A
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Submission	Appeal Brief
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Date	04/29/2011

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

In re Alvogen IP Co S.a.r.l.	:	
	:	Law Office: 115
Serial No. 77/939,659	:	
	:	Examining Attorney:
Filed: February 19, 2010	:	April K. Roach
	:	
Mark: A Logo	:	
_____	X	

Trademark Trial and Appeal Board
United States Patent and Trademark Office
P.O. Box 1451
Alexandria, VA 22313-1451

APPLICANT'S APPEAL BRIEF

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I. DESCRIPTION OF THE RECORD AND RECITATION OF THE FACTS

Applicant Alvogen IP Co S.a.r.l seeks registration on the Principal Register of its stylized "A" mark, for pharmaceutical research services; pharmaceutical preparations, namely, antibiotics, antidiabetics, antihypertensives, antidepressants, analgesics, anti-inflammatories, antivirals, and antiepileptics; transdermal patches for use in the treatment of infections, diabetes, hypertension, depression, pain, inflammation, and epilepsy; and contraceptive sponges. The subject application was filed on February 19, 2010, and received U.S. Trademark Application Serial No. 77/939,659.

The Examining Attorney initially refused registration of Applicant's mark under Lanham Act § 2(d), 15 U.S.C. § 1052(d) in a Non-final Office Action dated March 2, 2010, contending that there was a likelihood of confusion between Applicant's mark and U.S. Registration No. 3,127,143. Applicant responded on August 10, 2010, and identified key differences between the appearance, connotation, and commercial impression of its stylized "A" logo and the cited mark for a multi-colored, shaded "mobius triangle shape."

The Examining Attorney issued a Final Office Action on August 31, 2010, again refusing to register the mark based on a likelihood of confusion with U.S. Registration No. 3,127,143. In response to the Final Action, on February 28, 2011, Applicant filed a Notice of Appeal. Thus, Applicant hereby submits its Appeal Brief pursuant to 37 C.F.R. § 2.142(b)(1).

II. STATEMENT OF THE ISSUES

The issue on appeal is whether there would be a likelihood of confusion between Applicant's stylized "A" mark and the cited multi-colored, shaded "mobius triangle shape" mark, U.S. Registration No. 3,127,143.

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