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

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In the Matter of the Application of:)
)
Cellegy Pharmaceuticals)
)
Serial No.: 76-360,690)
)
Published in the OFFICIAL GAZETTE)
on: October 22, 2002)
)
For the trademark: CELLEGESIC)
)
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[REDACTED]

11-20-2002

U.S. Patent & TMOtc/TM Mail Rcpt Dt. #01

Assistant Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513

06-03-03
9-00-30
11-20-02

NOTICE OF OPPOSITION

Sir:

In the matter of the application for registration of the trademark CELLEGESIC of Cellegy Pharmaceuticals (hereinafter referred to as "Applicant") shown in Application Serial No. 76-360,690 filed January 18, 2002, for "pharmaceutical preparations and ointments for the treatment of rectal conditions, diseases and disorders" and published for opposition in the Official Gazette of October 22, 2002.

Wyeth, a corporation of the State of Delaware, with offices at Five Giralda Farms, Madison, New Jersey 07940 (hereinafter referred to as "Opposer") believes that it will be damaged by registration of the mark shown in said Application Serial No. 76-360,690, and hereby opposes the same.

As grounds for opposition, it is alleged that:

1. Opposer is now, and for many years has been, engaged in the business of manufacturing and selling veterinary and human pharmaceutical healthcare products, including oral and topical products. Opposer's products are sold in commerce throughout the United States.

2. Opposer is the owner of U.S. Trademark Registration No. 2,300,586 registered on December 14, 1999, for the mark ETOGESIC, for "non-steroidal anti-inflammatory preparation for use in animals, in Class 5." This registration is currently in full force and effect. A copy is attached hereto as Exhibit A.

3. Opposer and Applicant are competitors.

4. Upon information and belief, Applicant was aware of Opposer's aforesaid ETOGESIC trademark registration at the time it filed its Application to register CELLEGESIC.

5. Opposer's aforesaid registration was issued prior to any date of first use that can be relied upon by the Applicant.

6. The trademark sought to be registered by the Applicant is substantially similar in sound and appearance to Opposer's trademarks and, therefore, is likely to be confused with and mistaken for Opposer's trademarks.

7. The Applicant's mark is so similar to Opposer's trademarks as to cause confusion and lead to deception as to the source of origin of Applicant's goods and/or Opposer's goods.

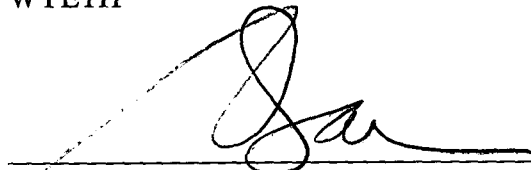
WHEREFORE, Opposer prays that said Application Serial No. 76-360,690 be rejected, that no registration be issued thereon to Applicant, and that this Opposition be sustained in favor of the Opposer.

This Notice of Opposition is filed in triplicate.

Opposer requests that the requisite opposition fee be charged to Deposit Account No. 01-1425 of Wyeth.

The undersigned, Wyeth, hereby appoints Steven J. Baron, a member of the Bar of the State of New York, its attorney in the matter of the above-identified opposition, with full power to act, with full power of substitution and revocation, to prosecute said opposition, to transact all business with the Patent and Trademark Office and elsewhere in connection with this Opposition, and to receive all official communications relating to same. It is further requested that such correspondence be addressed to Steven J. Baron, Esquire, Wyeth, Five Giralda Farms, Madison, New Jersey 07940.

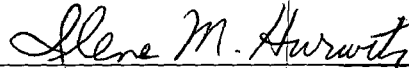
WYETH



STEVEN J. BARON
Attorney for Opposer
Five Giralda Farms
Madison, New Jersey 07940
Telephone: (973) 683-2127
Facsimile: (973) 683-2117

Dated: November 18, 2002

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513 ATTN: TTAB



Ilene M. Hurwitz
DATED: November 18, 2002

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The United States of America



CERTIFICATE OF REGISTRATION PRINCIPAL REGISTER

The Mark shown in this certificate has been registered in the United States Patent and Trademark Office to the named registrant.

The records of the United States Patent and Trademark Office show that an application for registration of the Mark shown in this Certificate was filed in the Office; that the application was examined and determined to be in compliance with the requirements of the law and with the regulations prescribed by the Commissioner of Patents and Trademarks; and that the Applicant is entitled to registration of the Mark under the Trademark Act of 1946, as Amended.

A copy of the Mark and pertinent data from the application are part of this certificate.

This registration shall remain in force for TEN (10) years, unless terminated earlier as provided by law, and subject to compliance with the provisions of Section 8 of the Trademark Act of 1946, as Amended.

T. Todd Johnson

Int. Cl.: 5

Prior U.S. Cls.: 6, 18, 44, 46, 51, and 52

Reg. No. 2,300,586

United States Patent and Trademark Office

Registered Dec. 14, 1999

**TRADEMARK
PRINCIPAL REGISTER**

ETOGESIC

AMERICAN HOME PRODUCTS CORPORA-
TION (DELAWARE CORPORATION)
FIVE GIRALDA FARMS
MADISON, NJ 07940

FIRST USE 8-19-1998; IN COMMERCE
8-19-1998.

SN 75-389,562, FILED 11-13-1997.

FOR: NON-STEROIDAL ANTI-INFLAMMA-
TORY PREPARATION FOR USE IN ANIMALS,
IN CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).

ALICIA COLLINS, EXAMINING ATTORNEY