

ESTTA Tracking number: **ESTTA568094**

Filing date: **10/30/2013**

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	Novartis AG
Granted to Date of previous extension	10/30/2013
Address	CH-4002 Basel, SWITZERLAND

Attorney information	Maury M. Tepper, III Tepper & Eyster, PLLC 3724 Benson Drive Raleigh, NC 27609 UNITED STATES mtepper@teiplaw.com Phone:919-861-8903
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**Applicant Information**

Application No	79121577	Publication date	07/02/2013
Opposition Filing Date	10/30/2013	Opposition Period Ends	10/30/2013
International Registration No.	1138830	International Registration Date	09/04/2012
Applicant	UCB PHARMA, S.A. Alli�e de la Recherche 60 B-1070 BRUXELLES, BEX BEX		

**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: Pharmaceutical preparations and substances for the treatment of immunology disorders, pharmaceutical preparations and substances for the treatment of central nervous system diseases
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**Grounds for Opposition**

Priority and likelihood of confusion	Trademark Act section 2(d)
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**Mark Cited by Opposer as Basis for Opposition**

U.S. Application No.	85501826	Application Date	12/22/2011
Registration Date	NONE	Foreign Priority Date	NONE

Word Mark	SEEBARI
Design Mark	
Description of Mark	NONE
Goods/Services	<p>Class 005. First use: First Use: 0 First Use In Commerce: 0</p> <p>Anti-inflammatories; Antibacterial pharmaceuticals; Antibiotics; Antifungal preparations; Antivirals; Cardiovascular pharmaceuticals; Pharmaceutical preparations acting on the central nervous system; Pharmaceutical preparations and substances for the treatment of gastro-intestinal diseases; Pharmaceutical preparations for the treatment and prevention of diseases and disorders of the autoimmune system, the metabolic system, the musculo-skeletal system and the genitourinary system; pharmaceutical preparations for use in hematology and in tissue and organ transplantation; Pharmaceutical preparations for the treatment of eye diseases and conditions; Pharmaceutical preparations for the treatment of heart rhythm disorders; Pharmaceutical preparations for the treatment of immune system related diseases and disorders; Pharmaceutical preparations for the treatment of kidney diseases; Pharmaceutical preparations for treating diabetes; Pharmaceutical preparations for use in dermatology; Pharmaceutical products for ophthalmological use; Pharmaceutical products for the prevention and treatment of cancer; Pharmaceutical products for the treatment of bone diseases; Pharmaceutical products for treating respiratory diseases; Pharmaceutical products for treating respiratory diseases and asthma; Pharmaceuticals, namely, anti-infectives</p>

Attachments	85501826#TMSN.jpeg( bytes ) SENBARI Notice of Opposition.pdf(1603462 bytes )
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### Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Maury M. Tepper, III/
Name	Maury M. Tepper, III
Date	10/30/2013

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

In the matter of Trademark Application Serial No. 79/121,577  
Filed September 4, 2012  
For the Mark SENBARI

Novartis AG,	)	
	)	
Opposer,	)	
	)	
v.	)	Opposition No.
	)	
UCB PHARMA. S.A.,	)	
	)	
Applicant.	)	

**NOTICE OF OPPOSITION**

Opposer Novartis AG, CH-4002, Basel, Switzerland, believes that it will be damaged by registration of the mark shown in Application Serial No. 79/121,577, and hereby opposes the same.

The grounds for opposition are as follows:

1. Applicant filed Application Serial No. 79/121,577 on or about September 4, 2012 to register the mark SENBARI in connection with "Pharmaceutical preparations and substances for the treatment of immunology disorders, pharmaceutical preparations and substances for the treatment of central nervous system diseases" in Class 5 ("Applicant's Mark").
2. Opposer will be damaged by the registration of Applicant's Mark.

3. Opposer is the owner of United States Trademark Application No. 85/501,826 for the mark SEEBARI, filed on December 22, 2011, for “Anti-inflammatories: Antibacterial pharmaceuticals: Antibiotics: Antifungal preparations: Antivirals: Cardiovascular pharmaceuticals: Pharmaceutical preparations acting on the central nervous system: Pharmaceutical preparations and substances for the treatment of gastro-intestinal diseases: Pharmaceutical preparations for the treatment and prevention of diseases and disorders of the autoimmune system, the metabolic system, the musculo-skeletal system and the genitourinary system; pharmaceutical preparations for use in hematology and in tissue and organ transplantation; Pharmaceutical preparations for the treatment of eye diseases and conditions; Pharmaceutical preparations for the treatment of heart rhythm disorders: Pharmaceutical preparations for the treatment of immune system related diseases and disorders; Pharmaceutical preparations for the treatment of kidney diseases: Pharmaceutical preparations for treating diabetes; Pharmaceutical preparations for use in dermatology; Pharmaceutical products for ophthalmological use; Pharmaceutical products for the prevention and treatment of cancer; Pharmaceutical products for the treatment of bone diseases; Pharmaceutical products for treating respiratory diseases; Pharmaceutical products for treating respiratory diseases and asthma; Pharmaceuticals, namely, anti-infectives” (“Opposer’s Mark”).

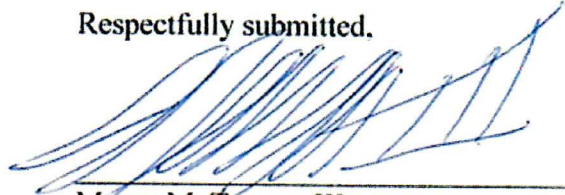
4. The filing date for Opposer’s Mark (December 22, 2011) is prior to any priority date that Applicant can claim relating to Applicant’s Mark.

5. Applicant’s Mark so resembles Opposer’s Mark as to be likely to cause confusion, or to cause mistake or to deceive.

WHEREFORE, Opposer prays that said application Serial No. 79/121,577. be rejected, that no registration be issued, and that this Opposition be sustained in favor of Opposer.

This the 30<sup>th</sup> day of October, 2013.

Respectfully submitted,



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Attorneys for Opposer

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