

ESTTA Tracking number: **ESTTA630442**

Filing date: **10/01/2014**

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                                  | GALDERMA S.A.  |
| Granted to Date of previous extension | 10/01/2014   |
| Address                               | Zugerstrasse 8<br>Cham, CH-6330<br>SWITZERLAND   |
| Domestic Representative               | G MATHEW LOMBARD<br>Attorney for Opposer<br>LOMBARD & GELIEBTER LLP<br>1115 BROADWAY 12 FL<br>NEW YORK, NY 10010<br>UNITED STATES<br>mlombard@lgtrademark.com Phone:917.779,9967 |

**Applicant Information**

|                        |   |                        |            |
|------------------------|---|------------------------|------------|
| Application No         | 86104014  | Publication date       | 06/03/2014 |
| Opposition Filing Date | 10/01/2014  | Opposition Period Ends | 10/01/2014 |
| Applicant              | Mariner Biomedical, Inc.<br>6276 San Ignacio Avenue, Suite A<br>San Jose, CA 95119<br>UNITED STATES |                        |            |

**Goods/Services Affected by Opposition**


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| <p>Class 003. First Use: 0 First Use In Commerce: 0<br/>All goods and services in the class are opposed, namely: Non-medicated skin care preparations; non-medicated skin care products, namely, exfoliating salt scrubs, anti-aging serums, anti-wrinkle gel, bath salts, facial cleansers, massage gels and oils, bodyoils and lotions, facial and body toners, bath soap, lip balms</p> |
| <p>Class 005. First Use: 0 First Use In Commerce: 0<br/>All goods and services in the class are opposed, namely: Medicated skin care preparations; medicated skin care products, namely, sun screens, skin protectant preparations, anti-itch preparations, anti-inflammatory preparations; dermatological pharmaceutical products; parapharmaceutical products for use in dermatology</p> |

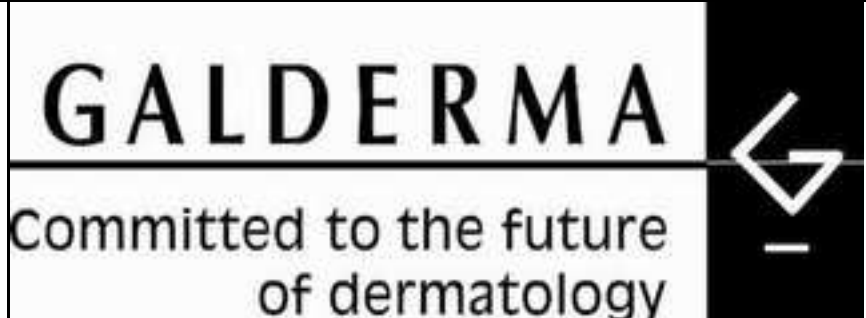
**Grounds for Opposition**

|                                      |                            |
|--------------------------------------|----------------------------|
| Priority and likelihood of confusion | Trademark Act section 2(d) |
|--------------------------------------|----------------------------|

**Marks Cited by Opposer as Basis for Opposition**

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|-----------------------|---|-----------------------|------------|
| U.S. Registration No. | 1531542   | Application Date      | 01/15/1988 |
| Registration Date     | 03/28/1989  | Foreign Priority Date | NONE       |
| Word Mark             | GALDERMA  |                       |            |
| Design Mark           |   |                       |            |
| Description of Mark   | NONE  |                       |            |
| Goods/Services        | Class 003. First use: First Use: 0 First Use In Commerce: 0<br>PERFUME, TOILET WATER, MAKEUP, DENTIFRICES, SOAP, NON-MEDICATED SKIN CREAMS, SKIN MOISTURIZERS, SKIN GELS, SKIN LOTIONS, HAIR SHAMPOOS AND CONDITIONERS AND DEODORANTS<br>Class 005. First use: First Use: 0 First Use In Commerce: 0<br>MEDICATED CREAMS, MOISTURIZERS AND LOTIONS FOR SKIN AND SCALP |                       |            |

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|-----------------------|--|-----------------------|------------|
| U.S. Registration No. | 2334441  | Application Date      | 05/11/1998 |
| Registration Date     | 03/28/2000   | Foreign Priority Date | NONE       |
| Word Mark             | GALDERMA   |                       |            |
| Design Mark           |   |                       |            |
| Description of Mark   | NONE   |                       |            |
| Goods/Services        | Class 005. First use: First Use: 1996/08/19 First Use In Commerce: 1996/08/19<br>PHARMACEUTICAL PREPARATIONS FOR THE TREATMENT OF SKIN, SCALP, HAIR AND NAIL CONDITIONS, |                       |            |

|                       |  |                       |            |
|-----------------------|--|-----------------------|------------|
| U.S. Registration No. | 3532964  | Application Date      | 02/12/2007 |
| Registration Date     | 11/18/2008   | Foreign Priority Date | 12/18/2006 |
| Word Mark             | GALDERMA COMMITTED TO THE FUTURE OF DERMATOLOGY G                                    |                       |            |
| Design Mark           |  |                       |            |

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|---------------------|--|
| Description of Mark | The mark consists of the word "GALDERMA" at the top. The phrase "Committed to the future of dermatology" is below the word "Galderma" and separated from it by a horizontal line. To the right of both of the word elements are two vertically stacked boxes over which a stylized letter "G" with a single underscore is superimposed.  |
| Goods/Services      | <p>Class 001. First use: First Use: 0 First Use In Commerce: 0<br/>Chemical additives for use in the manufacture of pharmaceuticals and dermatological goods</p> <p>Class 003. First use: First Use: 0 First Use In Commerce: 0<br/>Face, hand and body soaps; perfumery; essential oils; cosmetics; deodorants; hair lotions; hair shampoos; hair conditioners; dentifrices; skin care preparations, namely, non-medicated skin creams; skin moisturizers; skin cleansers; skin gels; skin lotions, acne kits comprising anti-acne preparations and moisturizers; preparations for use in relief of skin irritation; sunscreens; cosmetic preparations for use as a soft tissue filler and for wrinkle correction</p> <p>Class 005. First use: First Use: 0 First Use In Commerce: 0<br/>Pharmaceutical dermatological preparations and substances; full line of pharmaceutical products used in connection with facial and body aesthetic and surgery; medicated skin care preparations for use in dermatology; dermatological pharmaceutical preparations for the skin, the scalp and the hair; pharmaceutical preparations for the treatment of rosacea and acne; pharmaceutical preparations for use as a soft tissue filler and for wrinkle correction</p> <p>Class 009. First use: First Use: 0 First Use In Commerce: 0<br/>CD-Roms featuring pharmaceutical and medical information and electronic databases in the field of medicine</p> <p>Class 010. First use: First Use: 0 First Use In Commerce: 0<br/>Receptacle in the nature of a drug delivery device, namely, a handheld applicator for delivering measured amounts of medication to the skin for the treatment of dermatological disorders; medical apparatus, namely, automatic fluid dispenser for dispensing a liquid to treat tumors, warts, lesions, wrinkles and disorders of the skin; diagnostic instruments, namely, cards depicting skin hues for assessment of skin phototypes, hyperpigmentation and the effectiveness of treatment of skin disorders; cryosurgical apparatus for use in performing ablative surgery; disposable syringes; drug delivery systems; electrosurgical apparatus for use in desiccation and fulguration procedures; heat lamps for use in treatment of dermatological conditions; injection device for pharmaceuticals; injection instruments with needles; injection instruments without needles; injection needles; lasers for medical usage; medical apparatus for use in the treatment of dermatological conditions through the use of electromagnetic energy; medical containers, sold empty, for administering dermatological medications; medical devices for the treatment of skin lesions; medical instrument, namely, a rotary calculator used for assessing the proper dosage of medication; medical syringes; medication dispensers, sold empty, for applying medicine to the skin; mercury arc lamp units for therapeutic purposes; needle-based and needle-free injection systems; needles for medical use; phototherapeutic apparatus for medical purposes; plastic bags for transmitting medical specimens; sprayers for applying medicine to the skin; surgical lamps; artificial skin for surgical purposes</p> <p>Class 016. First use: First Use: 0 First Use In Commerce: 0<br/>Printed matter, namely, magazines, journals, periodicals, brochures, and books featuring information in the field of medicine and dermatology</p> <p>Class 038. First use: First Use: 0 First Use In Commerce: 0<br/>Providing on-line electronic bulletin boards for transmission of messages among computer users concerning skin care; transmission of pharmaceutical information and medical information to others by means of telephone, telegraphic, cable, and satellite transmissions</p> |

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|  | <p>Class 041. First use: First Use: 0 First Use In Commerce: 0<br/>Educational services, namely, providing training in the pharmaceutical and medical fields; Arranging and conducting educational conferences, congresses and seminars; publication of magazines, books, and guides in the field of medicine</p> <p>Class 042. First use: First Use: 0 First Use In Commerce: 0<br/>Scientific and technological services and research relating thereto, namely, chemical research, biological and pharmaceutical research, design and development of computer software and databases</p> <p>Class 044. First use: First Use: 0 First Use In Commerce: 0<br/>Medical services; veterinary services; pharmacy and health consultancy; Providing health information in the field of hygienic skin care and beauty care; providing an on-line computer database in the field of medicine</p> |
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| U.S. Registration No. | 3532965    | Application Date      | 02/12/2007 |
| Registration Date     | 11/18/2008 | Foreign Priority Date | 12/18/2006 |

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| Word Mark | GALDERMA COMMITTED TO THE FUTURE OF DERMATOLOGY G |
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|             |   |
|-------------|---|
| Design Mark |  |
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|                     |   |
|---------------------|---|
| Description of Mark | The mark consists of the word "GALDERMA" at the top in dark blue. The phrase "Committed to the future of dermatology" is below the word Galderma in dark blue and separated from it by a light blue horizontal line. To the right of both of the word elements are two vertically stacked boxes (the top box is dark blue and the lower box is light blue) over which a stylized letter "G" with a single underline is superimposed, both of which are white. |
|---------------------|---|

|                |  |
|----------------|--|
| Goods/Services | <p>Class 001. First use: First Use: 0 First Use In Commerce: 0<br/>Chemical additives for use in the manufacture of pharmaceuticals and dermatological goods</p> <p>Class 003. First use: First Use: 0 First Use In Commerce: 0<br/>Face, hand and body soaps; perfumery; essential oils; cosmetics; deodorants; hair lotions; hair shampoos; hair conditioners; dentifrices; skin care preparations, namely, non-medicated skin creams; skin moisturizers; skin cleansers; skin gels; skin lotions, acne kits comprising anti-acne preparations and moisturizers; preparations for use in relief of skin irritation; sunscreens; cosmetic preparations for use as a soft tissue filler and for wrinkle correction</p> <p>Class 005. First use: First Use: 0 First Use In Commerce: 0<br/>Pharmaceutical dermatological preparations and substances; full line of pharmaceutical products used in connection with facial and body aesthetic and surgery; medicated skin care preparations for use in dermatology; dermatological pharmaceutical preparations for the skin, the scalp and the hair; pharmaceutical preparations for the treatment of rosacea and acne; pharmaceutical preparations for use as a soft tissue filler and for wrinkle correction</p> <p>Class 009. First use: First Use: 0 First Use In Commerce: 0<br/>CD-Roms featuring pharmaceutical and medical information and electronic databases in the field of medicine</p> |
|----------------|--|

|  |   |
|--|---|
|  | <p>Class 010. First use: First Use: 0 First Use In Commerce: 0<br/> Receptacle in the nature of a drug delivery device, namely, a handheld applicator for delivering measured amounts of medication to the skin for the treatment of dermatological disorders; medical apparatus, namely, automatic fluid dispenser for dispensing a liquid to treat tumors, warts, lesions, wrinkles and disorders of the skin; diagnostic instruments, namely, cards depicting skin hues for assessment of skin phototypes, hyperpigmentation and the effectiveness of treatment of skin disorders; cryosurgical apparatus for use in performing ablative surgery; disposable syringes; drug delivery systems; electrosurgical apparatus for use in desiccation and fulguration procedures; heat lamps for use in treatment of dermatological conditions; injection device for pharmaceuticals; injection instruments with needles; injection instruments without needles; injection needles; lasers for medical usage; medical apparatus for use in the treatment of dermatological conditions through the use of electromagnetic energy; medical containers, sold empty, for administering dermatological medications; medical devices for the treatment of skin lesions; medical instrument, namely, a rotary calculator used for assessing the proper dosage of medication; medical syringes; medication dispensers, sold empty, for applying medicine to the skin; mercury arc lamp units for therapeutic purposes; needle-based and needle-free injection systems; needles for medical use; phototherapeutic apparatus for medical purposes; plastic bags for transmitting medical specimens; sprayers for applying medicine to the skin; surgical lamps; artificial skin for surgical purposes</p> <p>Class 016. First use: First Use: 0 First Use In Commerce: 0<br/> Printed matter, namely, magazines, journals, periodicals, brochures, and books featuring information in the field of medicine and dermatology</p> <p>Class 038. First use: First Use: 0 First Use In Commerce: 0<br/> Providing on-line electronic bulletin boards for transmission of messages among computer users concerning skin care; transmission of pharmaceutical information and medical information to others by means of telephone, telegraphic, cable, and satellite transmissions</p> <p>Class 041. First use: First Use: 0 First Use In Commerce: 0<br/> Educational services, namely, providing training in the pharmaceutical and medical fields; Arranging and conducting educational conferences, congresses and seminars; publication of magazines, books, and guides in the field of medicine</p> <p>Class 042. First use: First Use: 0 First Use In Commerce: 0<br/> Scientific and technological services and research relating thereto, namely chemical research, biological and pharmaceutical research, design and development of computer software and databases</p> <p>Class 044. First use: First Use: 0 First Use In Commerce: 0<br/> Medical services; veterinary services; pharmacy and health consultancy; Providing health information in the field of hygienic skin care and beauty care; providing an on-line computer database in the field of medicine</p> |
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|-----------------------|------------|-----------------------|------------|
| U.S. Registration No. | 3740054    | Application Date      | 08/12/2009 |
| Registration Date     | 01/19/2010 | Foreign Priority Date | NONE       |
| Word Mark             | GALDERMA   |                       |            |

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