

ESTTA Tracking number: **ESTTA632629**

Filing date: **10/14/2014**

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	Takeda GmbH
Granted to Date of previous extension	10/11/2014
Address	Byk-Gulden-Str. 2 Konstanz, 78467 GERMANY

Attorney information	Darren W. Saunders Manatt Phelps & Phillips LLP Seven Times Square - 21st Floor New York, NY 10036 UNITED STATES dsanders@manatt.com, trademarksny@manatt.com, jbernard@manatt.com Phone:212-790-4600
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**Applicant Information**

Application No	86083090	Publication date	08/12/2014
Opposition Filing Date	10/14/2014	Opposition Period Ends	10/11/2014
Applicant	Infinity Pharmaceuticals, Inc. 780 Memorial Drive Cambridge, MA 02139 UNITED STATES		


**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 for the diagnosis and treatment of cancer and inflammatory diseases and disorders
Class 042. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: medical and scientific research, namely, conducting of clinical studies and trials of pharmaceuticals; providing medical and scientific research information in the field of clinical trials
Class 044. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: online services, namely, providing a website featuring information regarding cancer and inflammatory disease treatments; providing information regarding pharmaceutical preparations and medical disorders

**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. Registration No.	4016771	Application Date	04/26/2010
Registration Date	08/23/2011	Foreign Priority Date	NONE
Word Mark	NONE		
Design Mark			
Description of Mark	The mark consists of a stylized triangle in the colors yellow, blue, and gray.		
Goods/Services	Class 005. First use: First Use: 2011/05/23 First Use In Commerce: 2011/05/23 Pharmaceutical preparations for the treatment of respiratory diseases; anti-inflammatory agents		

Attachments	85023044#TMSN.png( bytes ) Takeda vs Infinity Pharmaceuticals Notice of Opposition.pdf(2690957 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	/Darren W. Saunders/
Name	Darren W. Saunders
Date	10/14/2014

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

In re Application No. 86/083,090

Takeda GmbH,

Opposer,

v.

Infinity Pharmaceuticals, Inc.,

Applicant.

**NOTICE OF OPPOSITION**

Opposer Takeda GmbH believes that it will be damaged by the registration of the design subject of U.S. Trademark Application Serial Number 86/083,090 and hereby opposes same under Section 13 of the Trademark Act of 1946 (“Lanham Act”), 15 U.S.C. § 1063. As grounds for its opposition, Opposer, by its attorneys, Manatt, Phelps & Phillips, LLP, alleges as follows:

1. Opposer is an international producer and seller of pharmaceutical products.
2. Opposer has used a distinctive design comprised of three elements to form a stylized, triangular shaped design with curved sides, colored yellow, blue and gray, (the “Takeda Design”) in connection with a pharmaceutical preparation in United States commerce since 2011.
3. Opposer owns U.S. Trademark Registration No. 4,016,771 for the Takeda Design on the Principal Register and which covers, “pharmaceutical preparations for the treatment of respiratory diseases; anti-inflammatory agents” in International Class 5 (the “Registration”). The Registration is in full force and effect. A copy of the Registration is attached hereto as Exhibit A.

4. On October 4, 2013, applicant Infinity Pharmaceuticals, Inc. (“Applicant”) applied to register a design comprised of three elements with curved sides that form a hexagonal design with a triangle in the center, colored yellow, blue and gray under Section 1(b) of the Lanham Act in International Class 5 for, “pharmaceutical preparations for the diagnosis and treatment of cancer and inflammatory diseases and disorders”, International Class 42 for “medical and scientific research, namely, conducting of clinical studies and trials of pharmaceuticals; providing medical and scientific research information in the field of clinical trials”, and International Class 44, “online services, namely, providing a website featuring information regarding cancer and inflammatory disease treatments; providing information regarding pharmaceutical preparations and medical disorders” (the “Application”). An image of Applicant’s design in the Application is attached as Exhibit B.

5. Applicant’s mark is likely, when applied to the goods and used for the services listed in the Application, to cause confusion, mistake or deception, and cause the public to believe that the goods/services offered under Applicant’s mark emanate from or are otherwise sponsored by or endorsed by Opposer, in violation of Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

6. Upon information and belief, Opposer has priority of use of the Takeda design as against any bona fide use by Applicant of its design in the Application.

7. By reason of the foregoing, Opposer will be damaged by issuance of a registration for the design in the Application.

WHEREFORE, Opposer prays that its opposition be sustained and that the registration of the design in the Application be denied.

Dated: New York, New York  
October 14, 2014

Respectfully submitted,

MANATT, PHELPS & PHILLIPS, LLP

By: /s/ Darren W. Saunders

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*Attorneys for Opposer Takeda GmbH*

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