

ESTTA Tracking number: **ESTTA732575**

Filing date: **03/10/2016**

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 parties oppose registration of the indicated application.

**Opposers Information**

Name	Alpex Pharma SA		
Entity	Corporation	Citizenship	Switzerland
Address	Via Cantonale Mezzovico, CH 6805 SWITZERLAND		

Name	Alpex Pharma SA		
Entity	Corporation	Citizenship	Switzerland
Address	Via Cantonale Mezzovico, CH 6805 SWITZERLAND		

Attorney information	Jeffrey Goehring Young & Thompson 209 Madison St. Alexandria, VA 22314 UNITED STATES jgoehring@young-thompson.com Phone:7035216590		
----------------------	---	--	--

**Applicant Information**

Application No	86705282	Publication date	02/09/2016
Opposition Filing Date	03/10/2016	Opposition Period Ends	03/10/2016
International Registration No.	NONE	International Registration Date	NONE
Applicant	Glaxo Group Limited 980 Great West Road Brentford, Middlesex, TW89GS UNITED KINGDOM		


**Goods/Services Affected by Opposition**

<p>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 damaged skin and tissue; Pharmaceutical preparations and substances for the treatment of infectious diseases, blood disorders, pain, inflammation, sepsis, alopecia, obesity and cognitive disorders; Pharmaceutical preparations and substances for the treatment of viral, metabolic, endocrine, musculoskeletal, cardiovascular, cardiopulmonary, genitourinary, sexual dysfunction, oncological, hepatological, ophthalmic, respiratory, neurological, gastrointestinal, hormonal, dermatological, psychiatric and immune system related diseases and disorders; Vaccines</p>
--

**Grounds for Opposition**

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

### Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	3103109	Application Date	08/03/2004
Registration Date	06/13/2006	Foreign Priority Date	08/02/2004
Word Mark	ALPEX		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 005. First use: First Use: 0 First Use In Commerce: 0  Full line of pharmaceutical and veterinary preparations in the nature of antacids, antispasmodics and antiulcerants, laxatives, antidiarrhoeals, colorectal drugs and preparations, cardiac drugs, drugs for the treatment of disorders of the central nervous system, central nervous system stimulants, analgesics, antipyretics and anti-inflammatory drugs and preparations, muscle relaxants, hormonal, enzymal and steroidal preparations, drugs affecting bone metabolism, drugs affecting the genitor-urinary system, diuretics and anti-diuretics, anti-infectives, anti-vitals and immunological drugs and preparations, nutritional supplements and electrolytes, vitamins and anabolic drugs or preparations, bronchodilators, anti-asthmatics, expectorants, anti-tussives, decongestants, mucolytics and respiratory stimulants, oropharyngeal, aural and ocular preparations, anti-allergic drugs, hyposensitizing preparations, local and general anesthetics, contraceptives, drugs and preparations for the treatment of dermatological disorders, neoplastic agents, diagnostic agents, and dressings for wounds, burns and surgery</p> <p>Class 040. First use: First Use: 0 First Use In Commerce: 0  Manufacture of pharmaceutical and veterinary preparations to order and specification of others</p> <p>Class 042. First use: First Use: 0 First Use In Commerce: 0  Chemical and pharmaceutical analysis and research services</p>		

Attachments	78461054#TMSN.png( bytes ) 2016-03-10 VUZALPEX Notice of Opposition.pdf(13576 bytes )
-------------	--

### 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	/Jeff Goehring/
Name	Jeffrey Goehring
Date	03/10/2016

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

Alpex Pharma SA,  Opposer,  v.  Glaxo Group Limited,  Applicant.	App. No. 86705282  Mark: VUZALPEX  Published: February 9, 2016
--	--

**NOTICE OF OPPOSITION**

Alpex Pharma SA (“Opposer”), a corporation organized and existing under the laws of Switzerland, with its principal place of business at Via Cantonale, Mezzovico Switzerland CH 6805, believes it is or will be damaged by registration on the Principal Register of the mark VUZALPEX shown in Application No. 86705282 for various pharmaceutical preparations in International Class 005, and hereby opposes the same.

As grounds for opposition, Opposer alleges:

1. Opposer is now and has for many years been engaged in the development, marketing, advertising, distribution and sale of various products, among others, pharmaceutical preparations, as well as various related and complementary services.

2. Opposer is the owner of the trademark and tradename APLEX, having used said name and mark continuously in interstate commerce on and in connection with its pharmaceutical goods and related services since long prior to the application date of Applicant's U.S. Application No. 86705282 opposed herein.

3. As a result of use, Opposer's name and mark ALPEX has acquired goodwill, distinctiveness, and common law rights.

4. Opposer is the owner of Federal registration No. 78461054 for ALPEX in standard characters for a full line of pharmaceutical preparations in class 005, pharmaceutical manufacturing services in class 040, and pharmaceutical analysis and research services in class 042, which registered on June 13, 2006 from an application filed August 3, 2004, which claimed priority under 44(e) to a Swiss application filed August 2, 2004.

5. Opposer's common law and registered ALPEX mark (collectively "Opposer's Mark") has become valuable assets of Opposer, identifying its goods and services and distinguishing them from those of others.

6. Applicant, a private limited shares company organized under the laws of England, whose address is 980 Great West Road, Brentford, Middlesex, England, TW89GS, filed U.S.

Application No. 86705282 for the trademark VUZALPEX for:

Pharmaceutical preparations and substances for the treatment of damaged skin and tissue; Pharmaceutical preparations and substances for the treatment of infectious diseases, blood disorders, pain, inflammation, sepsis, alopecia, obesity and cognitive disorders; Pharmaceutical preparations and substances for the treatment of viral, metabolic, endocrine, musculoskeletal, cardiovascular, cardiopulmonary, genitourinary, sexual dysfunction, oncological, hepatological, ophthalmic, respiratory, neurological, gastrointestinal, hormonal, dermatological, psychiatric and immune system related diseases and disorders; Vaccines

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.