

ESTTA Tracking number: **ESTTA749655**

Filing date: **06/01/2016**

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 party opposes registration of the indicated application.

Opposer Information

Name	JAZZ PHARMACEUTICALS, INC.
Granted to Date of previous extension	06/01/2016
Address	3180 Porter Drive Palo Alto, CA 94304 UNITED STATES

Attorney information	Tiffany A. Blofield Winthrop & Weinstine, P.A. 225 South Sixth Street, Suite 3500 Minneapolis, MN 55402 UNITED STATES tblofield@winthrop.com, sbaird@winthrop.com, sbell@winthrop.com, trademark@winthrop.com, ayoun@winthrop.com, greyes@winthrop.com Phone:6126046684
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Applicant Information

Application No	86753639	Publication date	02/02/2016
Opposition Filing Date	06/01/2016	Opposition Period Ends	06/01/2016
Applicant	XIRMA, INC. 6500 Boeing Dr, Ste. T-3 El Paso, TX 79925 UNITED STATES		

Goods/Services Affected by Opposition

Class 005. First Use: 2013/08/01 First Use In Commerce: 2013/09/13
All goods and services in the class are opposed, namely: Antibiotic ointments; Multipurpose medicated antibiotic cream, analgesic balm and mentholated salve

Grounds for Opposition


Priority and likelihood of confusion	Trademark Act Section 2(d)
Dilution by blurring	Trademark Act Sections 2 and 43(c)

Marks Cited by Opposer as Basis for Opposition


U.S. Registration No.	2249959	Application Date	06/21/1996
Registration Date	06/01/1999	Foreign Priority Date	NONE

Word Mark	XYREM
Design Mark	
Description of Mark	NONE
Goods/Services	Class 005. First use: First Use: 1999/02/24 First Use In Commerce: 1999/02/24 pharmaceutical preparation for the treatment of narcolepsy

U.S. Registration No.	2423880	Application Date	10/27/1998
Registration Date	01/23/2001	Foreign Priority Date	NONE

Word Mark	XYREM
Design Mark	
Description of Mark	NONE
Goods/Services	Class 005. First use: First Use: 1999/02/23 First Use In Commerce: 1999/02/23 Pharmaceutical Preparation For The Treatment Of Narcolepsy

U.S. Registration No.	2472156	Application Date	10/27/1998
Registration Date	07/24/2001	Foreign Priority Date	NONE

Word Mark	XYREM
Design Mark	
Description of Mark	NONE
Goods/Services	Class 005. First use: First Use: 1999/02/23 First Use In Commerce: 1999/02/23 Pharmaceutical Preparation For The Treatment Of Narcolepsy

U.S. Registration No.	2860730	Application Date	10/17/2001
Registration Date	07/06/2004	Foreign Priority Date	NONE

Word Mark	XYREM
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Design Mark	<h1>XYREM</h1>		
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 1999/02/24 First Use In Commerce: 1999/02/24 Pharmaceutical preparations for the treatment of diseases of the central nervous system and a variety of conditions, symptoms, and diseases, namely, narcolepsy[, fibromyalgia, insomnia and] [myositis]		

U.S. Registration No.	3309255	Application Date	12/08/2005
Registration Date	10/09/2007	Foreign Priority Date	NONE



Word Mark	XYREM		
Design Mark	<h1>XYREM</h1>		
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 1999/02/24 First Use In Commerce: 1999/02/24 Pain relief medication; preparation for the relief of pain; pharmaceutical preparations acting on the central nervous system; pharmaceutical preparations for use in the treatment and/or management of sleep disorders, [chronic fatigue syndrome, drug and alcohol abuse, anxiety, cerebrovascular diseases,] neurological disorders, parkinson's disease [, alzheimer's disease, multiple sclerosis, autism, depression, inflammatory disorders, irritable bowel disorder, regional ileitis, ulcerative colitis, autoimmune inflammatory disorders, endocrine disturbances, and diabetes; and pharmaceutical preparations for the purpose of tissue protection including protection following hypoxia/anoxia such as in stroke, organ transplantation, organ preservation, myocardial infarction or ischemia, reperfusion injury, and protection following radiation, progeria, or an increased level of intracranial pressure, e.g., due to head trauma.]		

U.S. Registration	2867332	Application Date	04/18/2002
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No.			
Registration Date	07/27/2004	Foreign Priority Date	NONE
Word Mark	XYREM SUCCESS PROGRAM		
Design Mark	XYREM SUCCESS PROGRAM		
Description of Mark	NONE		
Goods/Services	Class 044. First use: First Use: 2002/09/23 First Use In Commerce: 2002/09/23 Providing telephone support services to physicians regarding the safe and appropriate use and distribution of medications used to treat sleep disorders; providing medical information via telephone and in the form of written educational materials to physicians in connection with the safe and appropriate use and distribution of medication for the treatment of sleep disorders		

U.S. Registration No.	2848521	Application Date	05/28/2002
Registration Date	06/01/2004	Foreign Priority Date	NONE
Word Mark	XYREM PATIENT SUCCESS PROGRAM		
Design Mark	XYREM PATIENT SUCCESS PROGRAM		
Description of Mark	NONE		
Goods/Services	Class 044. First use: First Use: 2002/09/23 First Use In Commerce: 2002/09/23 Providing telephone support services to patients regarding the safe and appropriate use and distribution of medications used to treat sleep disorders; providing medical information via telephone and in the form of written educational materials to patients in connection with the safe and appropriate use and distribution of medication for the treatment of sleep disorders		

U.S. Registration No.	2860906	Application Date	05/28/2002
Registration Date	07/06/2004	Foreign Priority Date	NONE
Word Mark	XYREM SUCCESS PROGRAM FOR PHYSICIANS		
Design Mark	XYREM SUCCESS PROGRAM FOR PHYSICIANS		
Description of Mark	NONE		
Goods/Services	Class 044. First use: First Use: 2002/09/23 First Use In Commerce: 2002/09/23 Providing telephone support services to physicians regarding the safe and appropriate use and distribution of medications used to treat sleep disorders; providing medical information via telephone and in the form of written educational materials to physicians in connection with the safe and appropriate use and distribution of medication for the treatment of sleep disorders		

	bution of medication for the treatment of sleep disorders		
U.S. Registration No.	2952351	Application Date	07/02/2002
Registration Date	05/17/2005	Foreign Priority Date	NONE
Word Mark	XYREM (SODIUM OXYBATE) ORAL SOLUTION CIII		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 2002/10/07 First Use In Commerce: 2002/10/07 Pharmaceutical preparations for use in the treatment of sleep disorders		
U.S. Registration No.	3112732	Application Date	04/13/2004
Registration Date	07/04/2006	Foreign Priority Date	NONE
Word Mark	XYREM		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 010. First use: First Use: 2003/04/01 First Use In Commerce: 2004/06/21 Drug delivery devices		
U.S. Registration	3162636	Application Date	12/08/2005

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