

ESTTA Tracking number: **ESTTA796584**

Filing date: **01/23/2017**

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	OSI Pharmaceuticals, LLC
Granted to Date of previous extension	01/22/2017
Address	1 Astellas Way Northbrook, IL 60062 UNITED STATES
Attorney information	Kathleen Gallagher-Duff Covington & Burling LLP One CityCenter, 850 Tenth Street NW Washington, DC 20001 UNITED STATES trademarks@cov.com Phone:2026625299

### Applicant Information

Application No	86874198	Publication date	07/26/2016
Opposition Filing Date	01/23/2017	Opposition Period Ends	01/22/2017
Applicant	TARVEDA THERAPEUTICS, INC.  WATERTOWN, MA 02472 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: Pharmaceuticals, namely, antineoplastics, anti-inflammatories, anti-infectives, antibacterial pharmaceuticals, antibiotics, antifungal preparations, antivirals, cardiovascular pharmaceuticals, dermatological pharmaceutical products, inhaled pharmaceutical preparations for the treatment of respiratory diseases and disorders, pharmaceutical preparations and substances for the treatment of gastro-intestinal diseases, pharmaceutical preparations for the treatment and prevention of diseases and disorders of the auto-immune 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 treating hypertension, pharmaceutical preparations for treating skin disorders, pharmaceutical preparations for use in dermatology, pharmaceutical preparations for use in urology, 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, pharmaceutical preparations for the treatment


of sleep disorders and neurological disorders; nano-particles, namely, those composed of polymers, therapeutics, or excipients used for medical diagnostic purposes and for the treatment of cancer, inflammation, cardiovascular disorders, central nervous system disorders, acute and chronic pain, epilepsy, insomnia, infectious diseases, diabetes, impotence, obesity, arthritis and autoimmune disorders; pharmaceuticals and medicines containing nano-particles, for use for the prevention and/or treatment of cancer, cardiovascular disorders, central nervous system disorders, acute and chronic pain, epilepsy, insomnia, infectious diseases, diabetes, impotence, obesity, arthritis and autoimmune disorders, and for use as drug delivery agents consisting of substances that facilitate delivery of a wide range of pharmaceuticals allowing for controlled absorption and/or controlled release of an active ingredient following administration to human and non-human animals for the treatment of cancer, cardiovascular disorders, central nervous system disorders, acute and chronic pain, epilepsy, insomnia, infectious diseases, diabetes, impotence, obesity, arthritis and autoimmune disorders; vaccines incorporating nano-particles

Class 042. First Use: 0 First Use In Commerce: 0  
All goods and services in the class are opposed, namely: Pharmaceutical research and development

### 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.	2948536	Application Date	05/04/2001
Registration Date	05/10/2005	Foreign Priority Date	NONE
Word Mark	TARCEVA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 2004/11/23 First Use In Commerce: 2004/11/23 Pharmaceuticals, namely, an anti-cancer compound		

Attachments	76252353#TMSN.png( bytes ) Notice of Opposition - TARVEDA THERAPEUTICS_.pdf(1068139 bytes )
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Signature	/KathleenGallagher-Duff/
Name	Kathleen Gallagher-Duff
Date	01/23/2017

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

In the Matter of: Serial No. 86/874198  
Date of Filing: January 13, 2016  
Mark: TARVEDA THERAPEUTICS  
Date of Publication: July 26, 2016

OSI Pharmaceuticals, LLC,

Opposer,

v.

Tarveda Therapeutics, Inc.

Applicant.

Opposition No. \_\_\_\_\_

Serial No. 86/874198

**NOTICE OF OPPOSITION**

Opposer OSI Pharmaceuticals, LLC, a Delaware limited liability company located and doing business at 1 Astellas Way, Northbrook, Illinois 60062, will likely be damaged by registration of the mark TARVEDA THERAPEUTICS, shown in Serial No. 86/874198, for pharmaceuticals, namely, antineoplastics, anti-inflammatories, anti-infectives, antibacterial pharmaceuticals, antibiotics, antifungal preparations, antivirals, cardiovascular pharmaceuticals, dermatological pharmaceutical products, inhaled pharmaceutical preparations for the treatment of respiratory diseases and disorders, pharmaceutical preparations and substances for the treatment of gastro-intestinal diseases, pharmaceutical preparations for the treatment and prevention of diseases and disorders of the auto-immune system, the metabolic system, the

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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 treating hypertension, pharmaceutical preparations for treating skin disorders, pharmaceutical preparations for use in dermatology, pharmaceutical preparations for use in urology, 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, pharmaceutical preparations for the treatment of sleep disorders and neurological disorders; nano-particles, namely, those composed of polymers, therapeutics, or excipients used for medical diagnostic purposes and for the treatment of cancer, inflammation, cardiovascular disorders, central nervous system disorders, acute and chronic pain, epilepsy, insomnia, infectious diseases, diabetes, impotence, obesity, arthritis and autoimmune disorders; pharmaceuticals and medicines containing nano-particles, for use for the prevention and/or treatment of cancer, cardiovascular disorders, central nervous system disorders, acute and chronic pain, epilepsy, insomnia, infectious diseases, diabetes, impotence, obesity, arthritis and autoimmune disorders, and for use as drug delivery agents consisting of substances that facilitate delivery of a wide range of pharmaceuticals allowing for controlled absorption and/or controlled release of an active ingredient following administration to human and non-human animals for the treatment of cancer, cardiovascular disorders, central nervous system disorders, acute and

chronic pain, epilepsy, insomnia, infectious diseases, diabetes, impotence, obesity, arthritis and autoimmune disorders; vaccines incorporating nano-particles, in International Class 5, and pharmaceutical research and development, in International Class 42, and hereby opposes the same.

The grounds for opposition are:

1. Applicant Tarveda Therapeutics, Inc. seeks registration on the Principal Register of the United States Patent and Trademark Office of the mark TARVEDA THERAPEUTICS for pharmaceuticals, namely, antineoplastics, anti-inflammatories, anti-infectives, antibacterial pharmaceuticals, antibiotics, antifungal preparations, antivirals, cardiovascular pharmaceuticals, dermatological pharmaceutical products, inhaled pharmaceutical preparations for the treatment of respiratory diseases and disorders, pharmaceutical preparations and substances for the treatment of gastro-intestinal diseases, pharmaceutical preparations for the treatment and prevention of diseases and disorders of the auto-immune 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 treating hypertension, pharmaceutical preparations for treating skin disorders, pharmaceutical preparations for use in dermatology, pharmaceutical preparations for use in urology, pharmaceutical products for ophthalmological use, pharmaceutical products for the prevention and treatment of cancer, pharmaceutical products for the treatment of bone diseases,

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