

ESTTA Tracking number: **ESTTA837992**

Filing date: **08/07/2017**

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	JAZZ PHARMACEUTICALS, INC.
Granted to Date of previous extension	08/06/2017
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 Email: tblofield@winthrop.com , sbaird@winthrop.com , trademark@winthrop.com , ayoung@winthrop.com , cclassen@winthrop.com , greyes@winthrop.com Phone: 6126046684
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Applicant Information

Application No	87222187	Publication date	02/07/2017
Opposition Filing Date	08/07/2017	Opposition Period Ends	08/06/2017
Applicant	Novartis AG CH-4002 Basel SWITZERLAND		

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: Anti-infectives; anti-inflammatories; antibacterial pharmaceuticals; antibiotics; antifungal preparations; antivirals; cardiovascular pharmaceuticals; dermatological pharmaceutical products; inhaled pharmaceutical preparations for the prevention and treatment of respiratory diseases and disorders; pharmaceutical preparations acting on the central nervous system; pharmaceutical preparations and substances for the prevention and treatment of gastro-intestinal diseases; pharmaceutical preparations for the prevention and treatment of diseases and disorders of the autoimmune system, the metabolic system, the endocrine 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 prevention and treatment of eye diseases and conditions; pharmaceutical preparations for the prevention and treatment of heart rhythm disorders; pharmaceutical preparations for the prevention and treatment of immune system related diseases and disorders; pharmaceutical preparations for the prevention and treatment of kidney diseases; pharmaceutical preparations for the prevention and treatment of diabetes; pharmaceutical preparations for the prevention and treatment of hypertension; pharmaceutical prepara-


tions for the prevention and treatment of 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 and tumors; pharmaceutical preparations for the prevention and treatment of allergies; pharmaceutical products for the prevention and treatment of bone diseases; pharmaceutical products for the prevention and treatment of respiratory diseases and asthma

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.	3162633	Application Date	12/08/2005
Registration Date	10/24/2006	Foreign Priority Date	NONE
Word Mark	XYREM		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 016. First use: First Use: 1999/02/24 First Use In Commerce: 1999/02/24 Printed materials concerning medicine; [padfolios; and note cards]		


U.S. Registration No.	3162634	Application Date	12/08/2005
Registration Date	10/24/2006	Foreign Priority Date	NONE
Word Mark	XYREM		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 038. First use: First Use: 2003/05/00 First Use In Commerce: 2003/05/00 Providing on-line communications links which transfer the website user to other-local and global web pages; and on-linedocument delivery via a global computer network


U.S. Registration No.	3162635	Application Date	12/08/2005
Registration Date	10/24/2006	Foreign Priority Date	NONE
Word Mark	XYREM		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 2003/05/00 First Use In Commerce: 2003/05/00 Providing customized on-line web pages featuring user-defined information, which includes on-line web links to other web sites; providing information at the specific request of end-users by means of telephone or global computer networks		


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		
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 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	
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 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		

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