

ESTTA Tracking number: **ESTTA855778**

Filing date: **11/01/2017**

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	11/01/2017
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 55364 UNITED STATES Email: <a href="mailto:tblofield@winthrop.com">tblofield@winthrop.com</a> , <a href="mailto:sbaird@winthrop.com">sbaird@winthrop.com</a> , <a href="mailto:cclassen@winthrop.com">cclassen@winthrop.com</a> , <a href="mailto:trademark@winthrop.com">trademark@winthrop.com</a> , <a href="mailto:ayoung@winthrop.com">ayoung@winthrop.com</a> , <a href="mailto:greyes@winthrop.com">greyes@winthrop.com</a> Phone: 6126046684
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### Applicant Information

Application No	79193092	Publication date	07/04/2017
Opposition Filing Date	11/01/2017	Opposition Period Ends	11/01/2017
International Registration No.	1312265	International Registration Date	05/10/2016
Applicant	Xintela AB Medicon Village SE-223 81 LUND SWEDEN		

### 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: Stem cells for medical and veterinary purposes; DNA and RNA for medical and veterinary purposes; surgical implants comprised of living tissues, namely, stem cells grown from stem cells; antibodies for medical purposes; biological preparations for the treatment of malignant tumours, biological preparations for use as marker or target of all kinds of cells for therapeutic or diagnostic use and for use as marker or target in different physiological or therapeutic methods for therapeutic or diagnostic use; kit consisting of stem cells, antibodies and proteins for medical and veterinary purposes
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### 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	NONE


		Date	
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,] neurologic 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		
Goods/Services	Class 010. First use: First Use: 2003/04/01 First Use In Commerce: 2004/06/21 Drug delivery devices		

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 computernetwork		

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.	3162632	Application Date	12/08/2005
Registration Date	10/24/2006	Foreign Priority Date	NONE
Word Mark	XYREM		

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