

ESTTA Tracking number: **ESTTA1257888**

Filing date: **01/04/2023**

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	Adare Pharmaceuticals S.R.L.
Granted to date of previous extension	01/04/2023
Address	VIA MARTIN LUTHER KING, 13 PESSANO CON BORNAGO MILANO, 20060 ITALY

Attorney information	ALLISON Z GIFFORD STRADLEY RONON STEVENS & YOUNG, LLP 30 VALLEY STREAM PARKWAY MALVERN, PA 19355 UNITED STATES Primary email: trademarks@stradley.com Secondary email(s): agifford@stradley.com, ddaavidson@stradley.com, eodonoghue@stradley.com 6106405800
Docket no.	186379-9002

Applicant information

Application no.	97086516	Publication date	09/06/2022
Opposition filing date	01/04/2023	Opposition period ends	01/04/2023
Applicant	George Wissa 31238 PALOS VERDES DRIVE WEST RANCHO PALOS VERDES, CA 90275 UNITED STATES		

Goods/services affected by opposition

Class 005. First Use: None First Use In Commerce: None All goods and services in the class are opposed, namely: Veterinary pharmaceutical preparations for dogs, cats and other domestic animals, namely, a drug delivery system comprising small flavored tablets for therapeutic release of a variety of pharmaceutical and therapeutic agents used for hypertension, seizures/epilepsy, megacolon, hepatic lipidosis, atopic dermatitis, cardiovascular disease, and inflammatory bowel disease

Grounds for opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
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Marks cited by opposer as basis for opposition

U.S. registration no.	1853971	Application date	10/01/1990
Register	Principal		
Registration date	09/13/1994	Foreign priority date	NONE
Word mark	EURAND MINITABS		
Design mark			
Description of mark	NONE		
Goods/services	Class 001. First use: First Use: Feb 5, 1993 First Use In Commerce: Feb 5, 1993 pharmaceutical carrier preparation with sustained release properties used in the manufacture of pharmaceuticals		

U.S. registration no.	2587934	Application date	02/16/2001
Register	Principal		
Registration date	07/02/2002	Foreign priority date	NONE
Word mark	MICROCAPS		
Design mark			
Description of mark	NONE		
Goods/services	Class 005. First use: First Use: Jul 21, 1992 First Use In Commerce: Jul 21, 1992 decongestants, stimulant capsules and caplets, anti-inflammatory preparations, pharmaceutical preparations for the treatment of cardiovascular disorders		

U.S. registration no.	1901350	Application date	05/05/1992
Register	Supplemental		
Registration date	06/20/1995	Foreign priority date	NONE
Word mark	MICROCAPS		
Design mark			
Description of mark	NONE		
Goods/services	Class 005. First use: First Use: Dec 1983 First Use In Commerce: Dec 1983 oral analgesics and potassium supplements		

Attachments	Notice of Opposition - MICROTABS.pdf(451759 bytes)
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Signature	/allison z gifford/
Name	ALLISON Z GIFFORD
Date	01/04/2023

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

In the matter of trademark application Serial No. 97/086,516
For the mark MICROTABS
Published in the Official Gazette on September 6, 2022

Adare Pharmaceuticals S.R.L.,	:
	:
Opposer,	:
	:
v.	:
	:
George Wissa,	:
	:
Applicant.	:

NOTICE OF OPPOSITION

Filed Electronically on January 4, 2023

Trademark Trial and Appeal Board
U.S. Patent and Trademark Off
P.O. Box 1451
Alexandria, VA 22313-1451

Sir or Madam:

Adare Pharmaceuticals S.R.L., (“Opposer”), by and through its attorneys, Stradley Ronon Stevens & Young, LLP, files this notice opposing the registration of pending Trademark Application Serial No. 97/086,516 (“the ‘516 Application”) for the mark “**MICROTABS**” filed October 21, 2021, for “veterinary pharmaceutical preparations for dogs, cats and other domestic animals, namely, a drug delivery system comprising small flavored tablets for therapeutic release of a variety of pharmaceutical and therapeutic agents used for hypertension, seizures/epilepsy, megacolon, hepatic lipidosis, atopic dermatitis, cardiovascular disease, and inflammatory bowel disease,” in International Class 5, by George Wissa (“Applicant”), because Opposer is likely to

be damaged and harmed if the U.S. Patent and Trademark Office (“PTO”) issues a registration based on the ‘516 Application.

As grounds for the opposition, Opposer alleges as follows in the numbered paragraphs below:

THE PARTIES AND THEIR RESPECTIVE MARKS

1. Opposer is a limited liability company organized and existing under the laws of Italy, with a place of business located at Via Martin Luther King, 13, Pessano con Bornago, Italy.

2. Opposer is a global technology driven contract drug product development and manufacturing organization providing turnkey product development through commercial manufacturing expertise focused on oral dosage forms of drug product for the pharmaceutical, animal health, and over-the-counter markets.

3. Opposer’s specialized technology platforms provide taste making, oral disintegrating tablets, and customized drug release solutions. For many years, Opposer has developed and manufactured more than forty products sold in more than 100 countries.

4. Opposer is the owner of all right, title and interest in and to the following U.S. Registrations for the marks EURAND MINITABS and MICROCAPS (collectively “Opposer’s Marks”):

- a. EURAND MINITABS, U.S. Registration No. 1,853,971, registered September 13, 1994, for “pharmaceutical carrier preparation with sustained release properties used in the manufacture of pharmaceuticals,” in International Class 1;

- b. MICROCAPS, U.S. Registration No. 2,587,934, registered July 2, 2002, for “decongestants, stimulant capsules and caplets, anti-inflammatory preparations, pharmaceutical preparations for the treatment of cardiovascular disorders,” in International Class 5; and
- c. MICROCAPS, U.S. Registration No. 1,901,350, registered June 20, 1995, for “oral analgesics and potassium supplements,” in International Class 5.

The goods identified by Opposer’s Marks are collectively “Opposer’s Goods.”

5. Opposer’s Marks are valid, subsisting and in full force and effect, and constitute prima facie evidence of, and those registrations that are incontestable constitute conclusive evidence of, the validity of those marks and Opposer’s ownership and exclusive right to use the marks in Opposer’s Marks on or in connection with the goods listed in the registrations. True and correct copies of the Certificates of Registration, renewal acceptance notifications, and current status and title of Opposer’s Marks from the PTO Trademark Status & Document Retrieval database are attached as **Exhibit A**.

6. Opposer, via its predecessors-in-interest and its exclusive licensees, has exclusively and continuously used the marks in Opposer’s Marks on and in connection with goods listed in the registrations in the United States since at least as early as February 5, 1993 for the EURAND MINITABS mark and since at least as early as December 1983 for the MICROCAPS marks.

7. Opposer’s Goods and specialized technology platforms are provided by Opposer and its exclusive licensees in the United States and throughout the world in prescription drugs and over-the-counter medicines and are sold by well-known, global pharmaceutical companies for the pharmaceutical, animal health, and over-the-counter markets.

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