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Filing date: **10/04/2023**

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	Novocure GmbH
Granted to date of previous extension	10/04/2023
Address	20 VALLEY STREAM PKWY SUITE 300 MALVERN, PA 19355 UNITED STATES
Attorney information	HARA K. JACOBS BALLARD SPAHR LLP 1735 MARKET STREET 51ST FL. PHILADELPHIA, PA 19103 UNITED STATES Primary email: tmdocketing@ballardspahr.com Secondary email(s): jacobsh@ballardspahr.com , sablee@ballardspahr.com , frankenfieldb@ballardspahr.com 215.864.8209
Docket no.	00267688

Applicant information

Application no.	88221050	Publication date	06/06/2023
Opposition filing date	10/04/2023	Opposition period ends	10/04/2023
Applicant	Septodont Holding SAS 58, RUE DU PONT DE CRETEIL SAINT-MAUR-DES FOSSES, Cedex9410 FRANCE		

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: Pharmaceutical preparations, namely, acne medication, allergy medication, antacids, anthelmintics, antiarrhythmics, antibiotic creams and ointments, antibiotics, anticoagulants, anticonvulsants, antidepressants, antiemetics, antifatulants, antihistamines, antihypertensives anti-infectives, anti-inflammatories, antiparasites, antivirals, burn relief medication, calcium channel blockers, central nervous system depressants, central nervous system stimulants, cough treatment medication, diarrhea medication, fungal medications, gastro-intestinal pharmaceutical preparations, glaucoma agents, hydrocortisone, hypnotic agents, sedatives, pain relief medication, and topical and injectable pharmaceutical preparations for dental, endodontic and periodontal disorders; anti-epileptic pharmaceutical preparations; bismuth preparations for pharmaceutical use; bromine for pharmaceutical purposes; cardiovascular pharmaceutical preparations; frostbite salve for pharmaceutical purposes; guaiacol for pharmaceutical purposes; intravenous fluids used for rehydration, nutrition and the delivery of pharmaceutical preparations; inhaled pharmaceutic-

al preparations for the treatment of respiratory diseases and disorders; injectable pharmaceutical contraceptives; pharmaceutical anti-allergic preparations and substances; pharmaceutical for the treatment of erectile dysfunction; pharmaceutical hormonal preparations, namely, corticosteroids, hormone replacement therapy preparations, oral contraceptives, thyroid hormone preparations; pharmaceutical preparations and substances for the treatment of gastro-intestinal diseases; pharmaceutical preparations for the treatment of bone fractures; pharmaceutical preparations for inhalation for the treatment of pulmonary hypertension; pharmaceutical preparations for ocular or intraocular surgery; pharmaceutical preparations for reducing cholesterol; pharmaceutical preparations for the prevention of osteoporosis; pharmaceutical preparations for the relief of pain; pharmaceutical preparations for the treatment of acne; pharmaceutical preparations for the treatment of bacterial skin infections, fungal skin infections, viral skin infections and parasitic skin infections; pharmaceutical preparations for the treatment of allergies; pharmaceutical preparations for the treatment of blood disorders; pharmaceutical preparations for the treatment of cancer; pharmaceutical preparations for the treatment of cardiovascular diseases; pharmaceutical preparations for the treatment of carpal tunnel syndrome; pharmaceutical preparations for the treatment of chronic pain; pharmaceutical preparations for the treatment of cranial or facial nerve disorders; pharmaceutical preparations for the treatment of degenerative nerve diseases and disorders, namely, Alzheimer's disease, Parkinson's disease, Huntington's disease and multiple sclerosis; pharmaceutical preparations for the treatment of dental and oral diseases; pharmaceutical preparations for the treatment of diseases, disorders and infections of the endocrine system, namely, growth and thyroid disorders; pharmaceutical preparations for the treatment of diseases, disorders and infections of the spinal cord systems and related cartilage and tissue; pharmaceutical preparations for the treatment of drug and alcohol abuse; pharmaceutical preparations for the treatment of gastro-intestinal diseases; pharmaceutical preparations for the treatment of genito-urinary and pelvic diseases, disorders and infections, namely, infertility, sexually transmitted diseases, incontinence and sexual dysfunction; pharmaceutical preparations for the treatment of genitourinary diseases, namely, urological diseases, infertility, sexually transmitted diseases, inflammatory pelvic diseases; pharmaceutical preparations for the treatment of glaucoma; pharmaceutical preparations for the treatment of headaches; pharmaceutical preparations for the treatment of hypercholesterolemia; pharmaceutical preparations for the treatment of hyperlipidemia; pharmaceutical preparations for the treatment of immunologic diseases, namely, autoimmune diseases, immunologic deficiency syndromes; pharmaceutical preparations for the treatment of infectious diseases, namely, respiratory infections, eye infections; pharmaceutical preparations for the treatment of inflammatory connective tissue diseases and injuries; pharmaceutical preparations for the treatment of inflammatory diseases, namely, inflammatory bowel diseases, inflammatory connective tissue diseases; pharmaceutical preparations for the treatment of inflammatory muscle diseases and disorders; pharmaceutical preparations for the treatment of metabolic diseases and disorders, namely, gout, osteoarthritis, muscular dystrophy, anemia; pharmaceutical preparations for the treatment of metabolic disorders, namely, bulimia nervosa, anorexia, and hypothyroidism; pharmaceutical preparations for the treatment of migraine; pharmaceutical preparations for the treatment of motion sickness; pharmaceutical preparations for the treatment of multiple sclerosis; pharmaceutical preparations for the treatment of myalgia and neuralgia; pharmaceutical preparations for the treatment of neurological diseases, namely, Alzheimer's, Huntington's Disease, cerebral palsy; pharmaceutical preparations for the treatment of neurological disorders, namely, brain injury, spinal cord injury, seizure disorders; pharmaceutical preparations for the treatment of neuromuscular diseases and disorders, namely, cerebrovascular accident (stroke), Parkinson's disease, multiple sclerosis, myasthenia gravis, Huntington's disease; pharmaceutical preparations for the treatment of oncological diseases and disorders; pharmaceutical preparations for the treatment of ophthalmological diseases and disorders; pharmaceutical preparations for the treatment of physical and psychological addictions, namely, gambling addiction, eating disorders and addictions, nicotine addiction, Internet addiction, drug addiction; pharmaceutical preparations for the treatment of psychiatric and other brain diseases and disorders, namely, anxiety, mood disorders, schizophrenia, cognitive and bipolar disorders, epilepsy, Alzheimer's, cerebral palsy, Parkinson's disease, multiple sclerosis; pharmaceutical preparations for the treatment of psychiatric diseases, namely, mood disorders, anxiety disorders, cognitive disorders, schizophrenia; pharmaceutical preparations for the treatment of respiratory diseases, disorders and infections; pharmaceutical preparations for the treatment of skin irritations, namely, bee stings, sunburn, rashes, sores, corns, calluses, and acne; pharmaceutical preparations for the treatment of smoking cessation; pharmaceutical preparations for the treatment of the central nervous system, namely, central nervous system infections, brain diseases, central nervous system movement disorders, ocular motility disorders, spinal cord diseases; pharmaceutical preparations for the treatment of the central nervous system, namely, encephalitis, epilepsy, Alzheimer's, cerebral palsy, Parkin-

son's disease; pharmaceutical preparations for the treatment of the diseases, disorders and infections of the central nervous system, namely, brain, movement, ocular motility and spinal cord diseases; pharmaceutical preparations for the treatment of the musculoskeletal system, namely, connective tissue diseases, bone diseases, spinal diseases, back pain, fractures, sprains, cartilage injuries; pharmaceutical preparations for the treatment of the respiratory system; pharmaceutical preparations for the treatment of varicose veins; pharmaceutical preparations for the treatment of vascular diseases; pharmaceutical preparations for the treatment of viral diseases, namely, herpes, hepatitis, Acquired Immune Deficiency Syndrome (AIDS); pharmaceutical preparations for treating allergic rhinitis and asthma; pharmaceutical preparations for treating asthma; pharmaceutical preparations for treating dandruff; pharmaceutical preparations for use in dermatology, namely, dermatitis, skin pigmentation diseases, sexually transmitted diseases; pharmaceutical preparations for use in discouraging the smoking habit; pharmaceutical preparations for use in gastroenterology; pharmaceutical preparations for use in ocular disorders; pharmaceutical preparations for use in oncology; pharmaceutical preparations for use in ophthalmology; pharmaceutical preparations for wounds; pharmaceutical preparations against dry skin caused by pregnancy; pharmaceutical preparations for hydrating the skin during pregnancy; pharmaceutical preparations for ophthalmological use; pharmaceutical preparations for the treatment of cancer; pharmaceutical preparations for treating respiratory diseases; pharmaceutical solutions used in dialysis; radioactive pharmaceutical preparations for in vivo diagnostic or therapeutic use; sunburn preparations for pharmaceutical purposes; synthetic peptides for the treatment of all of the foregoing diseases and conditions; disinfection systems, namely, all-purpose disinfectants

Class 010. First Use: None First Use In Commerce: None

All goods and services in the class are opposed, namely: Drug delivery systems, namely, needles, syringes, nasal spray bottles, injection devices, oral and nasal inhalation devices, patch pumps, and anesthetic delivery apparatus for medical purposes, but not for use in the fields of diabetes and obesity

Class 035. First Use: None First Use In Commerce: None

All goods and services in the class are opposed, namely: Business consulting services relating to pharmaceutical manufacturing, clinical evaluation and testing, regulatory registration, stability studies, method development, formal stability, registration batches and commercial production; clinical trial services, namely, business and information management of clinical studies to fast track drug products to market

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.	5616214	Application date	04/05/2018
Register	Principal		
Registration date	11/27/2018	Foreign priority date	NONE
Word mark	NOVOCURE		
Design mark			
Description of mark	NONE		
Goods/services	Class 010. First use: First Use: Dec 2003 First Use In Commerce: Jul 2006 Medical device that delivers tumor treating fields, in the nature of electrical fields, to treat solid tumor cancers		

U.S. registration no.	5913293	Application date	04/15/2019
Register	Principal		
Registration date	11/19/2019	Foreign priority	NONE

		date	
Word mark	NOVOCURE		
Design mark			
Description of mark	The mark consists of the word "novocure" in lower case letters, the first 3 and last 3 letters in light blue, and the o and c in the center of the word in light purple and partially overlapping each other.		
Goods/services	<p>Class 010. First use: First Use: Sep 2016 First Use In Commerce: Sep 2016 Medical device that delivers tumor treating fields, in the nature of electrical fields, to treat solid tumor cancers</p> <p>Class 041. First use: First Use: May 16, 2015 First Use In Commerce: May 16, 2015 Training services in the use and operation of a medical device that delivers tumor treating fields, in the nature of electrical fields, to treat solid tumor cancers and consultation relating thereto</p>		

U.S. application/ registration no.	NONE	Application date	NONE
Register	NONE		
Registration date	NONE		
Mark	NOVOCURE		
Goods/services	Providing medical and scientific research information in the field of medical devices and clinical trials		

Attachments	NOVOCOL PHARMA NOO final.pdf(593380 bytes)
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Signature	/Hara K. Jacobs/
Name	HARA K. JACOBS
Date	10/04/2023

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

Novocure GmbH,	:	
	:	
Opposer,	:	Opposition No. _____
	:	
v.	:	Serial No. 88/221,050
	:	
Septodont Holding SAS,	:	Mark: NOVOCOL PHARMA
	:	
Applicant.	:	
	:	

NOTICE OF OPPOSITION

In the matter of the application of Septodont Holding SAS (“Applicant”) for registration of the mark NOVOCOL PHARMA, Application Serial No. 88/221,050 (“Application”), filed December 7, 2018, and published for opposition in the *Official Gazette* on June 6, 2023:

Novocure GmbH, a Swiss corporation having a principal place of business at Park 6, Root D4, Switzerland (“Opposer”), believes that it will be damaged by the registration of the mark shown in the above-identified Application in Classes 5, 10, and 35, and hereby opposes the same. The grounds for opposition are as follows:

1. Opposer is a pioneering oncology company in the field of solid tumor treatment. Opposer develops and sells novel cancer treatments, and offers these therapies and related services under its NOVOCURE® mark.
2. Opposer is the owner of federal trademark registrations for Opposer’s NOVOCURE® Mark (the “NOVOCURE® Marks”) for its cancer treatment devices and related training and consultation services, as summarized in the below table (collectively, with the services discussed in Paragraph 3, “Opposer’s Goods and Services”). Attached hereto as **Exhibit A** are printouts from the electronic database records of the USPTO showing the current status and title of these registrations (“Opposer’s Registrations”).

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