

ESTTA Tracking number: **ESTTA1275835**

Filing date: **04/03/2023**

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

Petition for Cancellation

Notice is hereby given that the following party has filed a petition to cancel the registration indicated below.

Petitioner information

Name	Ascendis Pharma A/S		
Entity	aktieselskab (a/s)	Citizenship	Denmark
Address	TUBORG BOULEVARD 5 HELLERUP, DK-2900 DENMARK		
Attorney information	DANIEL C. NEUSTADT HOLLAND & KNIGHT LLP 800 17TH STREET NW, SUITE 1100 WASHINGTON, DC 20006 UNITED STATES Primary email: dan.neustadt@hklaw.com Secondary email(s): paul.kilmer@hklaw.com, ptdocketing@hklaw.com, kelly.mcneill@hklaw.com 202.469.5163		
Docket no.	110453.1		

Registration subject to cancellation

Registration no.	6859058	Registration date	09/27/2022
Register	Principal		
Registrant	Ascendia Pharmaceuticals, Inc. 661 US HIGHWAY ONE, UNIT B NORTH BRUNSWICK, NJ 08902 UNITED STATES		

Goods/services subject to cancellation

Class 042. First Use: Dec 31, 2020 First Use In Commerce: Dec 31, 2020
All goods and services in the class are subject to cancellation, namely: research and development of pharmaceuticals designed via physical means to be released into the body over a period of time

Grounds for cancellation

Priority and likelihood of confusion	Trademark Act Sections 14(1) and 2(d)
Related proceedings	Canc. No. 92065937 and appeal (Ascendia Pharmaceuticals, Inc. v. Ascendis Pharma A/S, No.: 3:20-cv-15006-ZNQ-DEA)

Marks cited by petitioner as basis for cancellation

U.S. registration	3731597	Application date	11/26/2008
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no.			
Register	Principal		
Registration date	12/29/2009	Foreign priority date	05/27/2008
Word mark	ASCENDIS		
Design mark			
Description of mark	NONE		
Goods/services	<p>Class 005. First use: First Use: None First Use In Commerce: None [Pharmaceutical and veterinary preparations for the treatment of physical and mental illness, namely, pharmaceutical preparations for the prevention and treatment of disorders of the nervous system, the immune system, the cardio-vascular system, the metabolic system, the respiratory system, the musculo-skeletal system, the genitourinary system; for the treatment of inflammatory disorders; for use in dermatology, oncology, hematology and in tissue and organ transplantation, in ophthalmology and for gastroenterological disorders; sanitary preparations for medical purposes, dietetic foods adapted for medical use, disinfectants for sanitary purposes; fungicides, herbicides]</p> <p>Class 042. First use: First Use: None First Use In Commerce: None Scientific research within the medical, pharmaceutical and bacteriological area; providing scientific consultancy and information in relation to the aforementioned scientific research; testing of pharmaceuticals; [packaging design, designing and development of medical equipment;] developing pharmaceutical and medical preparations; design and development of pharmaceutical formulations; design and development of granulation technology and tablet technology; providing scientific consultancy and information relating to the design and development of granulation technology and tablet technology</p> <p>Class 045. First use: First Use: None First Use In Commerce: None [Licensing of industrial property, legal services]</p>		

U.S. registration no.	5259688	Application date	11/23/2016
Register	Principal		
Registration date	08/08/2017	Foreign priority date	NONE
Word mark	ASCENDIS PHARMA		
Design mark			
Description of mark	NONE		
Goods/services	<p>Class 042. First use: First Use: Dec 2009 First Use In Commerce: Dec 2009 Scientific research within the medical, pharmaceutical and bacteriological area; providing scientific consultancy and information in relation to the aforementioned scientific research; testing of pharmaceuticals; packaging design, designing and development of medical equipment; developing pharmaceutical and medical preparations; design and development of pharmaceutical formulations; design and development of granulation technology and tablet technology; providing scientific consultancy and information relating to the design and development of granulation technology and tablet technology</p>		

U.S. registration no.	6630735	Application date	10/11/2017
Register	Principal		
Registration date	02/01/2022	Foreign priority	06/01/2017

		date	
Word mark	ASCENDIS PHARMA		
Design mark			
Description of mark	The mark consists of the turquoise word "ASCENDIS" under which is the grey word "PHARMA" next to a polygon broken by a white curved band in which the top is turquoise and the bottom is blue.		
Goods/services	<p>Class 005. First use: First Use: None First Use In Commerce: None Pharmaceutical and veterinary preparations for the treatment of physical and mental illness, namely, pharmaceutical preparations for use in enzyme replacement therapy; pharmaceutical and veterinary preparations, namely, vaccines for the treatment of physical and mental illness; pharmaceutical and veterinary preparations for the treatment of physical and mental illness, namely, pharmaceutical preparations for the prevention and treatment of disorders of the endocrine system, growth hormone deficiencies, hypoparathyroidism, achondroplasia, diabetes, fibroblast growth factor receptor(FGFR)-related skeletal disorders, oncological disorders, ophthalmologic disorders, infectious diseases, enzyme replacement therapy, anti-inflammatory diseases, pain, respiratory system disorders, autoimmune disorders, vaccines, non-alcoholic steatohepatitis, brain diseases, bone diseases, CNS diseases, myopathies, obesity, wounds healing, the hormonal system disorders, namely, growth hormone deficiencies, diabetes and angiogenesis, the ophthalmological system disorders, namely, angiogenesis, the angiogenic system disorders, the central nervous system disorders, namely, central nervous system infections, brain diseases, central nervous system movement disorders, ocular motility disorders, spinal cord diseases, the immune system disorders, namely, immunologic diseases, namely, autoimmune diseases and immunologic deficiency syndromes, the cardio-vascular system diseases, the metabolic system disorders, namely, diabetes, hypoglycaemia, gout, osteoarthritis, muscular dystrophy, anemia, the respiratory system, the musculoskeletal system disorders, namely, growth hormone deficiencies, connective tissue diseases, bone diseases, spinal diseases, back pain, fractures, sprains, cartilage injuries, the genitourinary system disorders, namely, urological diseases, infertility, sexually transmitted diseases, inflammatory pelvic diseases; pharmaceutical preparations for the treatment of inflammatory disorders, namely, anti-inflammatories; pharmaceutical preparations for use in dermatology, namely, dermatitis, eczema, psoriasis; pharmaceutical preparations for use in oncology; pharmaceutical preparations for use in hematology; pharmaceutical preparations for use in tissue and organ transplantation; pharmaceutical preparations for use in ophthalmology pharmaceutical preparations for use in the treatment of gastroenterological disorders; sanitary preparations for medical purposes, namely, sanitizing wipes, disinfectants for medical instruments, adhesive tapes for medical purposes, dietetic foods, namely, dietetic sugar substitutes adapted for medical use, all-purpose disinfectants for sanitary purposes; fungicides, herbicides</p> <p>Class 042. First use: First Use: None First Use In Commerce: None Scientific research within the medical, pharmaceutical and bacteriological area and providing scientific consultancy and information in relation to the aforementioned scientific research, conducting of tests regarding medical applications, namely, conducting clinical trials for others, packaging design, designing and development of medical equipment, designing pharmaceutical and medical preparations, preparation of pharmaceutical formulations, namely, pharmaceutical products development, design and development of granulation technology and tablet technology and providing scientific consultancy and information relating to the design and development of granulation technology and tablet technology</p> <p>Class 045. First use: First Use: None First Use In Commerce: None Licensing of industrial property; legal services</p>		

Attachments	Petition for Cancellation - ASCENDIA - RN 6859058.pdf(345392 bytes)
Signature	/Daniel C. Neustadt/
Name	Daniel C. Neustadt
Date	04/03/2023

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

ASCENDIS PHARMA A/S,

Petitioner,

v.

ASCENDIA PHARMACEUTICALS, INC.,

Defendant.

Canc. No. _____

ASCENDIA

Reg. No. 6859058

PETITION FOR CANCELLATION

Ascendis Pharma A/S (“Petitioner”), an *aktieselskab* formed and existing under the laws of Denmark, believes that it will be damaged by the continued registration of the mark ASCENDIA (the “Defendant’s Mark”) in connection with the services (“Defendant’s Services”) identified in Registration No. 6,859,058 (the “Registration”), owned by Ascendia Pharmaceuticals, Inc., a New Jersey corporation (formerly known as Ascendia Pharmaceuticals LLC) (“Defendant”), and hereby petitions for cancellation of the Registration.

As grounds for cancellation, Petitioner alleges the following:

1. Petitioner is a biopharmaceutical company listed on U.S. NASDAQ (ASND) and focused on developing new therapies based upon its proprietary technology that enables the sustained release of pharmacologically active drugs at predictable rates. “Sustained-release” refers to technology that releases pharmaceutical or medical preparations – “parent drugs” – into the

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