

ESTTA Tracking number: **ESTTA114373**

Filing date: **12/13/2006**

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	Novartis AG		
Entity	Corporation	Citizenship	Switzerland
Address	4002 Basel, SWITZERLAND		

Attorney information	Maury M. Tepper, III Womble Carlyle Sandridge & Rice, PLLC PO Box 831 Raleigh, NC 27602 UNITED STATES mtepper@wcsr.com Phone:919-755-2109		
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Applicant Information

Application No	78837820	Publication date	11/14/2006
Opposition Filing Date	12/13/2006	Opposition Period Ends	12/14/2006
Applicant	Kyron Clinical Imaging, inc. Suite 202 2457 North Mayfair Road Wauwatosa, WI 53226 UNITED STATES		

Goods/Services Affected by Opposition

Class 009. All goods and services in the class are opposed, namely: medical computer software for diagnostic imaging equipment, namely for interpreting the results of radiologic images
Class 044. All goods and services in the class are opposed, namely: diagnostic medical imaging and medical radiology services

Attachments	KYRON CLINICAL IMAGING Opposition .pdf (4 pages)(99071 bytes)
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Signature	/Maury M. Tepper, III/
Name	Maury M. Tepper, III
Date	12/13/2006

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

In the matter of Trademark Application Serial No. 78/837,820
Filed March 15, 2006
For the Mark **KYRON CLINICAL IMAGING & Design**

Novartis AG,)	
)	
Opposer,)	
)	
v.)	Opposition No.
)	
Kyron Clinical Imaging, Inc.,)	
)	
Applicant.)	

NOTICE OF OPPOSITION

Opposer Novartis AG, 4002 Basel, Switzerland believes that it will be damaged by registration of the mark shown in Serial No. 78/837,820, and hereby opposes the same.

The grounds for opposition are as follows:

1. Applicant filed intent-to-use Application Serial No. 78/837,820 on or about March 15, 2006 to register the mark KYRON CLINICAL IMAGING & Design in connection with “medical computer software for diagnostic imaging equipment, namely for interpreting the results of radiologic images” in Class 9 and “diagnostic medical imaging and medical radiology services” in Class 44 (“Applicant’s Mark”).
2. Opposer will be damaged by the registration of Applicant’s Mark.
3. Opposer is the owner of the trademark CHIRON, and Opposer owns numerous United States Trademark Registrations for its CHIRON mark, including, without limitation, the following registrations (collectively, “Opposer’s Marks”):

- 1,454,789 (CHIRON), filed December 12, 1986 and registered September 1, 1987 for kits comprising chemical reagents for diagnosing medical conditions, in Class 1;

- 1,773,951 (CHIRON), filed February 7, 1991 and registered June 1, 1993 for diagnostic reagents for scientific and research use, in Class 1;

- 1,963,985 (CHIRON), filed January 30, 1995 and registered March 26, 1996 for pharmaceutical and biotechnology research and development services, in Class 42, and for the manufacture of pharmaceuticals, in Class 40;

- 1,744,239 (CHIRON), filed April 15, 1992 and registered January 5, 1993 for chemical reagents for diagnosing medical conditions, pharmaceutical preparations and growth factors for medical use, in Class 5, and for biotechnology research services, in Class 42;

- 1,942,920 (CHIRON), filed February 6, 1995 and registered December 19, 1995 for pharmaceutical preparations and kits comprising chemical reagents for diagnosing medical conditions, in Class 5;

- 1,999,693 (CHIRON), filed September 11, 1995 and registered September 10, 1996, for light meters for laboratory use, in Class 9.

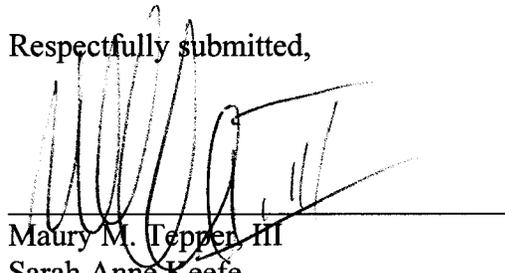
4. Both the registration dates for Opposer's Marks (i.e., as early as September 1, 1987) and the dates of first use set forth in the registrations cited (i.e., at least as early as June 1, 1981) are prior to any priority date that Applicant can claim relating to Applicant's Mark.

5. Applicant's Mark so resembles Opposer's Marks as to be likely to cause confusion or to cause mistake or to deceive.

WHEREFORE, Opposer prays that said application Serial No. 78/837,820 be rejected, that no registration be issued, and that this Opposition be sustained in favor of Opposer.

This the 13th day of December, 2006.

Respectfully submitted,



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Attorneys for Opposer

CERTIFICATE OF FILING

I do hereby certify that on December 13, 2006, I filed via electronic means
(ESTTA) this NOTICE OF OPPOSITION with the:

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



Amy L. Thompson, Senior Paralegal