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

Proceeding	91189555
Party	Defendant CellCeuticals Skin Care, Inc.
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Submission	Answer
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Date	05/12/2009
Attachments	562-5001 -- 2009.05.12 -- Answer to Notice of Opposition.pdf ( 4 pages )(74198 bytes )

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

In the Matter of Application Serial Number 77/469,080  
Published in the *Official Gazette* on October 7, 2008  
For the Mark: CELLGENESIS

CELL GENESYS, INC.	:	Opposition No. 91189555
Opposer	:	
	:	
vs.	:	
	:	
CELLCEUTICALS SKIN CARE, INC.	:	
Applicant	:	

**Answer To Notice of Opposition**

CellCeuticals Skin Care, Inc. (“Applicant”) by its attorneys, Louis C. Paul & Associates, PLLC, in and for its Answer to the Notice of Opposition filed on April 3, 2009 by Cell Genesys, Inc. (“Opposer”) states and avers as follows:

1. With respect to the allegations in Paragraph 1 of the Notice of Opposition, Applicant admits that Opposer has filed for extensions of time with the Trademark Trial and Appeal Board in which to file an Opposition to Application Serial Number 77/469,080 for the mark CELLGENESIS.

2. With respect to the allegations in Paragraph 2 of the Notice of Opposition, Applicant admits that Applicant has filed an application to register the mark CELLGENESIS for “non-medicated skin care preparations, namely, creams, lotions gels and serums” in International Class 003 and that Application Serial Number 77/469,080 was published in the *Official Gazette* on October 7, 2008.

3. With respect to the allegations in Paragraph 3 of the Notice of Opposition, Applicant admits that Applicant is a California corporation having a business address at 120 South Spalding Drive, Suite 222, Beverly Hills, CA 90212.

4. With respect to the allegations in Paragraph 4 of the Notice of Opposition, Applicant admits that Opposer is listed in the Trademark Electronic Search System as the owner of three US trademark registrations for the mark CELL GENESYS: Reg. No. 1772613 for “research and product development services concerning biotechnology” in International Class 042, having a registration date of May 18, 1993; Reg. No. 2604222 for “pharmaceutical preparations in the nature of viral vectors, cancer vaccines, packaging cells and cells transformed with viral vectors, all for the treatment of cancer, [autoimmune diseases,] infectious diseases, inflammatory diseases and genetic diseases” in International Class 005, having a registration date of August 6, 2002; and Reg. No. 2604223 for “biochemical preparations in the nature of viral vectors, packaging cells and cells transformed with viral vectors, all for research use” in International Class 001, having a registration date of August 6, 2002.

5. Applicant denies the allegations of Paragraph 5 of the Notice of Opposition.

6. With respect to the allegations in Paragraph 6 of the Notice of Opposition, Applicant denies knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations contained in Paragraph 4 of the Notice of Opposition and accordingly denies same.

7. With respect to the allegations in Paragraph 7 of the Notice of Opposition, Applicant denies knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations contained in Paragraph 4 of the Notice of Opposition and accordingly denies same.

8. Applicant denies the allegations of Paragraph 8 of the Notice of Opposition.

9. Applicant denies the allegations of Paragraph 9 of the Notice of Opposition.

10. Applicant denies the allegations of Paragraph 10 of the Notice of Opposition.

11. Applicant denies the allegations of Paragraph 11 of the Notice of Opposition.

WHEREFORE, Applicant respectfully requests that the Board deny the Opposition and proceed to the registration of Serial No. 77/469,080 for the mark CELLGENESIS in International Class 003.

Respectfully submitted,



Dated: May 12, 2009

Louis C. Paul & Associates, PLLC  
One Sutton Place North  
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Louis C. Paul, Esq.  
Applicant's Attorney  
USPTO Reg. No. 53,442

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 12<sup>th</sup> day of May 2009, a true and correct copy of the foregoing Answer to Notice of Opposition was served by first-class U.S. Mail upon counsel of record for Opposer at the following address:

Chelseaa E.L. Bush, Esq.  
Orrick Herrington & Sutcliffe, LLP  
405 Howard Street  
San Francisco, CA 94015



By:

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Louis C. Paul

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