

ESTTA Tracking number: **ESTTA494386**

Filing date: **09/13/2012**

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

Proceeding	91206448
Party	Defendant Alpharma, LLC
Correspondence Address	JANE UNGARO PFIZER INC 150 E 42ND ST NEW YORK, NY 10017-5612  deadlinesipnyo@pfizer.com
Submission	Answer
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Signature	/Paul C. Llewellyn/
Date	09/13/2012
Attachments	Zoetis - Answer to Opposition 9-13-12.pdf ( 4 pages )(102371 bytes )

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

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VIRBAC S.A.,	:	
	:	Opposition No. 91206448
v.	:	Mark: ZOETIS
ALPHARMA, LLC.,	:	(Serial No. 85/505,740)
	:	
Applicant.	:	
	:	
-----X		

Commissioner for Trademarks  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451

**ALPHARMA, LLC.'S ANSWER AND AFFIRMATIVE DEFENSES**

Applicant Alpharma, LLC. (“Applicant”) hereby answers the Notice of Opposition filed by Virbac S.A. against Application Serial Number 85/505740 (ZOETIS). Numbered specific admissions or denials correspond to the numbered paragraphs of the Notice of Opposition.

1. Applicant admits that it filed the application alleged in paragraph 1 of the Notice of Opposition, and refers to that application for the contents and specifics thereof.

2. Applicant lacks information sufficient to admit or deny the allegations in paragraph 2 of the Notice of Opposition.

3. Applicant lacks information sufficient to admit or deny the allegations in paragraph 3 of the Notice of Opposition. Applicant further asserts that the allegation that

“Opposer has priority over Applicant” is a conclusion of law as to which no responsive pleading is required.

4. Applicant denies the allegations in paragraph 4 of the Notice of Opposition.

5. Applicant lacks information sufficient to admit or deny the allegations in paragraph 5 of the Notice of Opposition.

6. Applicant lacks information sufficient to admit or deny the allegations in the first sentence of paragraph 6 of the Notice of Opposition. Applicant denies the allegations in the second sentence of paragraph 6 of the Notice of Opposition.

7. Applicant admits that Opposer has not given Applicant permission or approval to use or register the applied-for Mark, and further asserts that no such approval is necessary for Applicant to lawfully use and register the applied-for mark.

8. Applicant denies the allegations in paragraph 8 of the Notice of Opposition.

9. Applicant denies the allegations in paragraph 9 of the Notice of Opposition.

#### **AFFIRMATIVE DEFENSES**

Applicant asserts the following defenses to the Notice of Opposition. By alleging the defenses set forth below, Applicant does not assert or admit that it has the burden of proof and/or persuasion with respect to any of these defenses.

#### **FIRST DEFENSE**

The Notice of Opposition fails, in whole or in part, to state a claim upon which relief may be granted.

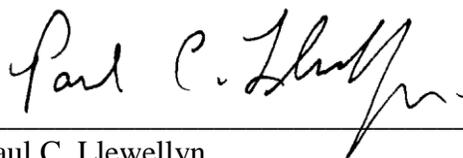
#### **SECOND DEFENSE**

Opposer is not entitled to relief because there is no likelihood of confusion between Applicant’s mark and Opposer’s mark.

Applicant reserves the right to assert additional affirmative defenses in the event discovery or further analysis reveal additional presently unknown or unstated affirmative defenses.

WHEREFORE, Applicant prays that the Notice of Opposition be dismissed, that the registration of Applicant's mark be allowed, for Applicant's costs incurred herein, and for any other relief the Board deems appropriate.

Date: September 13, 2012



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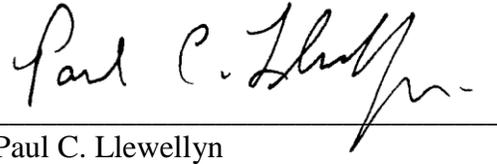
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Attorneys for Applicant

**CERTIFICATE OF SERVICE**

I hereby certify that on this 13th day of September, 2012, I caused a true and correct copy of the foregoing Notice of Opposition to be served by United States first class mail, postage prepaid, upon the following attorney of record:

Valerie Verret  
Baker Botts L.L.P.  
2001 Ross Ave., Suite 600  
Dallas, TX 75201-2980

  
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Paul C. Llewellyn