

ESTTA Tracking number: **ESTTA497530**

Filing date: **10/01/2012**

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	Clontech Laboratories, Inc.
Granted to Date of previous extension	09/30/2012
Address	1290 Terra Bella Avenue Mountain View, CA 94043 UNITED STATES
Attorney information	Ian K. Boyd HARVEY SISKIND LLP Four Embarcadero Center, 39th Floor San Francisco, CA 94111-4115 UNITED STATES iboyd@harveysiskind.com, mstratton@harveysiskind.com, clee@harveysiskind.com Phone:415-354-0100

Applicant Information

Application No	85450181	Publication date	04/03/2012
Opposition Filing Date	10/01/2012	Opposition Period Ends	09/30/2012
Applicant	CELSIS INTERNATIONAL LIMITED 600 W Chicago Avenue, Suite 625 Chicago, IL 60654 UNITED STATES		

Goods/Services Affected by Opposition

Class 001. All goods and services in the class are opposed, namely: Assays and reagents for research purposes, namely, for use in the detection of microorganisms; and cells and biological tissue cultures for scientific, laboratory or medical research

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. Application No.	77855307	Application Date	10/22/2009
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	SMART		

Design Mark	<h1>SMART</h1>		
Description of Mark	NONE		
Goods/Services	Class 001. First use: First Use: 1996/01/12 First Use In Commerce: 1996/01/12 Reagents for use in scientific or medical research use		

U.S. Application No.	77858660	Application Date	10/27/2009
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	SMARTER		
Design Mark	<h1>SMARTER</h1>		
Description of Mark	NONE		
Goods/Services	Class 001. First use: First Use: 2009/02/18 First Use In Commerce: 2009/02/18 Reagents for use in scientific or medical research use		

Attachments	77855307#TMSN.jpeg (1 page)(bytes) 77858660#TMSN.jpeg (1 page)(bytes) Notice of Opposition.121001.SMART SCIENCE FOR SMART BUSINESS.pdf (5 pages)(102571 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Matthew A. Stratton/
Name	Matthew A. Stratton

Date	10/01/2012
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1 HARVEY SISKIND LLP
2 IAN K. BOYD (Calif. SBN 191434)
3 iboyd@harveysiskind.com
4 MATTHEW A. STRATTON (Calif. SBN 254080)
5 mstratton@harveysiskind.com
6 Four Embarcadero Center, 39th Floor
7 San Francisco, CA 94111
8 Telephone: (415) 354-0100
9 Facsimile: (415) 391-7124

10 Attorneys for Opposer,
11 Clontech Laboratories, Inc.

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13 **IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**
14 **BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**
15

16 CLONTECH LABORATORIES, INC., a
17 Delaware corporation,

18 Opposer,

19 v.

20 CELSIS INTERNATIONAL LIMITED, a
21 United Kingdom company,

22 Applicant.

23 **NOTICE OF OPPOSITION**

24 Opposition No.

25 Application Serial No. 85/450181

26 Published for Opposition: April 3, 2012

27 Clontech Laboratories, Inc. (“Opposer”) believes it will be damaged by registration of the mark
28 shown in Serial No. 85/450181 (“Applied-For Mark”) by Celsis International Limited (“Applicant”) and hereby opposes the same. As grounds for opposition, Opposer alleges:

29 **DESCRIPTION OF THE APPLIED-FOR MARK**

30 1. Applicant filed the Applied-For Mark with the United States Patent and Trademark
31 Office (“USPTO”) on October 18, 2011 and it was published for opposition in the Official Gazette on
32 April 3, 2012.

1 business with the USPTO and the U.S. Courts, and receive all official communication in connection with
2 this Opposition.

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4 Dated: October 1, 2012

Respectfully submitted,
HARVEY SISKIND LLP

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6 By /Matthew A. Stratton/

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Matthew A. Stratton

Attorneys for Opposer,
Clontech Laboratories, Inc.

CERTIFICATE OF TRANSMISSION

I hereby certify that a true and correct copy of the attached Notice of Opposition (Serial No. 85/450181) is being electronically transmitted to the Trademark Trial and Appeal Board on October 1, 2012.

Matthew A. Stratton
Matthew A. Stratton

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1 **CERTIFICATE OF MAILING**

2 I hereby certify that a true and correct copy of the attached Notice of Opposition (Serial No.
3 85/450181) was served on Applicant via first-class mail on October 1, 2012, postage prepaid,
4 addressed to:

5 Douglas N. Masters, Esq.
6 Loeb & Loeb LLP
7 321 N. Clark Street, Suite 2300
8 Chicago, IL 60654-4746

9 /Cynthia Lee/
10 Cynthia Lee
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