

ESTTA Tracking number: **ESTTA748842**

Filing date: **05/27/2016**

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 requests to cancel indicated registration.

**Petitioner Information**

Name	H. Lundbeck A/S		
Entity	Aktieselskap	Citizenship	Denmark
Address	Ottiliavej 9 2500 Valby, DENMARK		

Attorney information	Claudia A. Smith White & Case LLP 1155 Avenue of the Americas New York, NY 10036 UNITED STATES trademarkdocket@whitecase.com Phone:212-819-8200		
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**Registration Subject to Cancellation**

Registration No	3213034	Registration date	02/27/2007
Registrant	Telik, Inc. 700 Hansen Way Palo Alto, CA 94304 UNITED STATES		

**Goods/Services Subject to Cancellation**

Class 005. First Use: 2004/09/27 First Use In Commerce: 2004/09/27 All goods and services in the class are cancelled, namely: Pharmaceuticals for the treatment of oncological disorders and cytopenias; immunomodulator pharmaceuticals
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**Grounds for Cancellation**

Abandonment	Trademark Act Section 14(3)
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Attachments	TELIK Petition for Cancellation.pdf(21543 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	/Claudia A. Smith/
Name	Claudia A. Smith
Date	05/27/2016



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

In re



Trademark Registration No. 3,213,034  
Registered: February 27, 2007

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H. LUNDBECK A/S,

Petitioner,

Cancellation No. \_\_\_\_\_

v.

TELIK, INC.

Respondent.

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**PETITION FOR CANCELLATION**

Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451

Petitioner H. Lundbeck A/S, a Danish company with a place of business at Ottiliavej 9, 2500 Valby DENMARK ("Petitioner") believes that it is or will be damaged by the continued registration of the mark shown above and in Registration No. 3,213,034 and hereby petitions to cancel same.

As grounds for cancellation, Petitioner alleges that:

1. Upon information and belief, Telix, Inc. is a Delaware corporation with an address of 700 Hansen Way, Palo Alto, California 94304 ("Respondent") according to the records of the United States Patent and Trademark Office

2. Respondent is the owner of record in the United States Patent and Trademark Office for



the following mark , U.S. Reg. No. 3,213,034 registered

February 27, 2007 for Class 5 goods as follows: “pharmaceuticals for the treatment of oncological disorders and cypenias; immunomodulator pharmaceuticals.”

3. Upon information and belief, Respondent entity is no longer an active entity.

4. Upon information and belief, Respondent has abandoned and ceased, with intent not to resume, use of the mark displayed above in connection with the goods recited above.

5. On September 29, 2015, Petitioner filed with the United States Patent and Trademark Office an application to register the mark TELLIX for “Pharmaceutical preparations for the prevention and treatment of disorders and diseases in, generated by or acting on the central nervous system; pharmaceutical preparations and substances for the prevention and treatment of depression, mood disorders, psychosis, anxiety, schizophrenia, bipolar disorder and disease and ADHD” in Class 5 and which was assigned Serial No. 86/772002.

6. Respondent’s mark in Registration No. 3,213,034 has been cited by the United States Patent and Trademark Office as the basis for a Section 2(d) refusal for a likelihood of confusion with Petitioner’s pending application for TELLIX , Serial No. 86/772002.

7. By reason of the foregoing, Petitioner will be damaged by the continued registration of Respondent’s mark TELIK & DESIGN which will result in injury to Petitioner and to its rights in and to the mark TELLIX.

WHEREFORE, Petitioner requests that its petition to cancel Registration No. 3,213,034 be sustained and that the registration of Respondent’s mark be canceled.

Petitioner: H. Lundbeck A/S  
Respondent: Telik, Inc.  
Reg. No.: 3, 213,034

Petitioner appoints as its attorneys in these proceedings Claudia A. Smith and Christopher J. Glancy of the firm White & Case LLP, 1155 Avenue of the Americas, New York, New York 10036, to whom all correspondence in this proceeding should be addressed.

Dated: May 27, 2016

Respectfully submitted,  
WHITE & CASE LLP

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Attorneys for H. Lundbeck A/S

CERTIFICATE OF SERVICE and TRANSMITTAL

I hereby certify that a true and correct copy of the Petition to Cancel is being electronically transmitted in PDF format to the Trademark Trial and Appeal Board through the Electronic System for Trademark Trials and Appeals (ESTTA) on the date indicated below and a true and correct copy is being sent by First Class Mail to Respondent at the following address:

Telik, Inc.  
700 Hansen Way  
Palo Alto, California 94304

Date: May 27, 2016

/claudia a. smith/  
Claudia A. Smith