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

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)
In the Matter of the Application of:)
)
Opheim, Joar)
)
Serial No.: 78-082,909)
)
Published in the OFFICIAL GAZETTE)
on: October 29, 2002)
)
For the trademark: NOROMEGA)
)
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01-27-2003

U.S. Patent & TMO/TM Mail Rcpt Dt. #70

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Assistant Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513

NOTICE OF OPPOSITION

Sir:

Genetics Institute, LLC, a corporation of the State of Delaware, with offices at 87 Cambridge Park Drive, Cambridge, Massachusetts 02140 (hereinafter referred to as "Opposer") believes that it will be damaged by registration of the mark shown in the above-identified application and hereby opposes registration thereof.

As grounds of opposition, it is alleged that:

1. Opheim, Joar, an individual, (hereinafter referred to as "Applicant") has applied to register NOROMEGA as a trademark for "nutritional and dietary supplement" in International Class 5.

02/04/2003 KGIBBONS 00000057 011425 78082909

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2. Opposer, through its parent company, Wyeth, has for many years long prior to the filing date of the subject application by Applicant, been continuously engaged in, inter alia, the manufacture and sale of health care products, including dietary and nutritional supplements.

3. Opposer is the owner of the trademark NEUMEGA, which was duly registered on April 25, 1995 under Registration No. 1,891,610; a copy of said Registration is attached hereto as Exhibit A. The Registration is valid, subsisting, and incontestable.

4. Any use by Applicant of the trademark for which registration is sought is without Opposer's permission or consent.

5. The granting of the requested registration to Applicant is deemed likely to result in confusion, mistake and deception with Opposer and Opposer's trademark, and/or result in the incorrect belief that Applicant or its goods for which registration is sought herein are in some way connected with, sponsored by or approved by Opposer.

WHEREFORE, Opposer believes that it will be damaged by the granting of registration to Applicant for the subject claimed trademark and prays that the instant application for registration be rejected and denied.

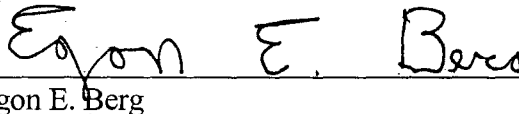
This Notice of Opposition is filed in triplicate.

Opposer requests that the requisite opposition fee be charged to Deposit Account No. 01-1425 of Wyeth.

The undersigned, Genetics Institute, LLC, hereby appoints Egon E. Berg, Stanley J. Silverberg, Mary M. Cheli, and Carole E. DeNatale, members of the Bar of the State of New York, its attorney in the matter of the above-identified opposition, with full power to act, with full power of substitution and revocation, to prosecute said opposition, to transact all business with the Patent

and Trademark Office and elsewhere in connection with this Opposition, and to receive all official communications relating to same. It is further requested that such correspondence be addressed to Egon E. Berg, Esquire, Wyeth, Five Giralda Farms, Madison, New Jersey 07940.

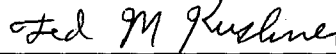
GENETICS INSTITUTE, LLC



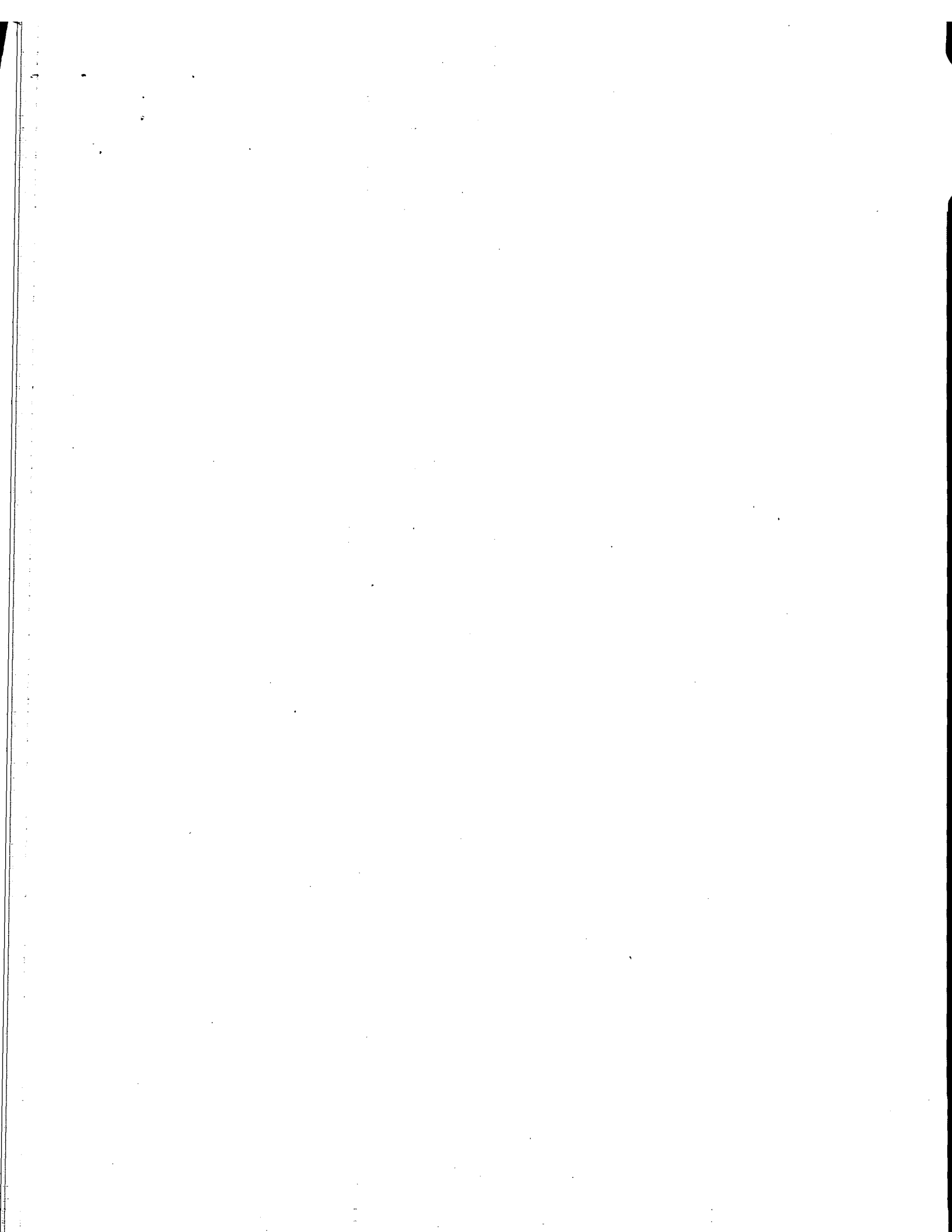
Egon E. Berg
Attorney for Opposer
Wyeth
Five Giralda Farms
Madison, New Jersey 07940
Telephone: (973) 683-2128
Facsimile: (973) 683-2122

Dated: January 24, 2003

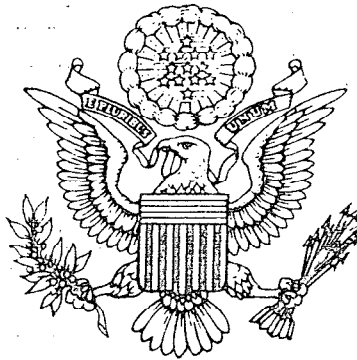
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513 ATTN: TTAB - Fee.



Ted M. Kushner
DATED: January 24, 2003



The United States of America



CERTIFICATE OF REGISTRATION

This is to certify that the records of the Patent and Trademark Office show that an application was filed in said Office for registration of the Mark shown herein, a copy of said Mark and pertinent data from the Application being annexed hereto and made a part hereof,

And there having been due compliance with the requirements of the law and with the regulations prescribed by the Commissioner of Patents and Trademarks,

Upon examination, it appeared that the applicant was entitled to have said Mark registered under the Trademark Act of 1946, as amended, and the said Mark has been duly registered this day in the Patent and Trademark Office on the

PRINCIPAL REGISTER

to the registrant named herein.

This registration shall remain in force for TEN years unless sooner terminated as provided by law.



In Testimony whereof I have hereunto set my hand and caused the seal of the Patent and Trademark Office to be affixed this twenty-fifth day of April 1995.

Bence Lehman

Commissioner of Patents and Trademarks

Int. Cl.: 5

Prior U.S. Cl.: 18



Reg. No. 1,891,610

United States Patent and Trademark Office Registered Apr. 25, 1995

**TRADEMARK
PRINCIPAL REGISTER**

NEUMEGA

GENETICS INSTITUTE, INC. (DELAWARE
CORPORATION)
87 CAMBRIDGE PARK DRIVE
CAMBRIDGE, MA 021402387

FIRST USE 11-1-1993; IN COMMERCE
11-1-1993.

SN 74-249,250, FILED 2-25-1992.

FOR: PROTEIN BLOOD CELL GROWTH
FACTOR FOR INJECTION OR INTRAVENOUS
USE, IN CLASS 5 (U.S. CL. 18).

NORA BUCHANAN WILL, EXAMINING AT-
TORNEY

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registrant
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