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

Atty. Ref.: 0820312.0906

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AstraZeneca AB, :

Opposer, :

Opposition No. 91162728

v. :


Vicuron Pharmaceuticals Inc., :

Applicant. :

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

Attn.: BOX TTAB NO FEE

<p>"EXPRESS MAIL" Mail Label No.: EV 562077431 US I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 2.198 on the date indicated below and is addressed to the Commissioner for Trademarks, P.O. Box 1451, Alexandria VA 22313-1451</p> <p> Signature</p> <p>JULIO SIMMONS Printed Name</p> <p>January 28, 2005 Date</p>

**OPPOSER'S ANSWER TO APPLICANT'S
COUNTERCLAIMS FOR CANCELLATION**

Opposer, AstraZeneca AB, by its undersigned attorneys, hereby answers the allegations set forth in Applicant's Counterclaims for Cancellation as follows:

1. Opposer admits the allegations set forth in Paragraph Nos. 21, 22, 23, 26, 29, 31, 34, 37 and 44 of Applicant's Counterclaims for Cancellation.



2. Opposer denies the allegations set forth in Paragraph Nos. 28, 32, 33, 36, 38, 39, 40, 42, 43, 45 and 46 of Applicant's Counterclaims for Cancellation.

3. With respect to the allegations set forth in Paragraph Nos. 24 and 41 of Applicant's Counterclaims for Cancellation, Opposer admits said allegations but denies that it failed to comply with the requirements for registration of the trademark "EXANTA" pursuant to Section 44(e).

4. With respect to the allegations set forth in Paragraph No. 25 of Applicant's Counterclaims for Cancellation, Opposer admits that its Pre-Examination Amendment deleted Section 1(b) as a basis for registration of the trademark "EXANTA", but said amendment was made subject to acceptance of Opposer's Section 44(e) basis for registration, and the latter basis was accepted by the United States Patent and Trademark Office.

5. With respect to the allegations set forth in Paragraph No. 27 of Applicant's Counterclaims for Cancellation, Opposer denies that the list of goods recited therein corresponds exactly to the identification of goods set forth in Opposer's Swedish Registration No. 312,187.

6. Opposer cannot admit or deny the allegations set forth in Paragraph No. 30 of Applicant's Counterclaims for Cancellation because they are incomplete.

7. With respect to the allegations set forth in Paragraph No. 35 of Applicant's Counterclaims for Cancellation, without foreclosing the use or potential use of "EXANTA" as a "trade name" in the United States, Opposer states that it has registered "EXANTA" as a "trademark".

First Affirmative Defense

Applicant's Counterclaims for Cancellation, as submitted with its original Answer to Notice of Opposition, were found to be invalid by Order of the Trademark Trial and Appeal Board dated December 28, 2004. Applicant's Counterclaims for Cancellation, as submitted with its Amended Answer to Notice of Opposition, are untimely and should not be considered by the Board. As compulsory counterclaims, said pleadings must be submitted along with Applicant's Answer to the Notice of Opposition, and the final deadline in which to serve and file the Answer was December 8, 2004. Applicant's amended answer and counterclaims were not served until December 16, 2004.

Second Affirmative Defense

Applicant's Counterclaims for Cancellation fail to state a claim upon which relief can be granted.

Third Affirmative Defense

Opposer has had a bona fide intention to use the trademark "EXANTA" in commerce since it adopted said mark and registered it in the United States Patent and Trademark Office. Opposer has acted diligently to seek the necessary regulatory approvals for the marketing in commerce of goods bearing the "EXANTA" trademark.

Fourth Affirmative Defense

Opposer has complied with all applicable laws and regulations in order to register its "EXANTA" trademark in the United States Patent and Trademark Office.

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IN CONCLUSION, Opposer prays that Applicant's Counterclaims for Cancellation be dismissed or denied and that Opposer be granted such other relief as the Board may deem just and proper.

Respectfully submitted,

AstraZeneca AB

Dated: January 28, 2005

By:



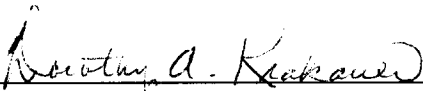
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Attorneys for Opposer

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing *Opposer's Answer to Applicant's Counterclaims for Cancellation* was served on counsel for Applicant, Claudia E. Ray, Esq., O'MELVENY & MYERS LLP, 275 Battery Street, San Francisco, CA 94111, by depositing a true copy of the same with the United States Postal Service, first-class mail, postage prepaid, this 28th day of January, 2005.


Dorothy A. Krakauer