

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

Atty. Ref.: 0820312.0906



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02-03-2005

AstraZeneca AB,

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #74

Opposer,

Opposition No. 91162931

v.

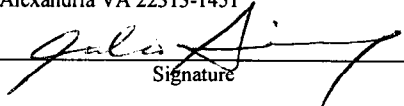
78/284,028

Vicuron Pharmaceuticals Inc.,

Applicant.

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 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


 Signature

JULIO SIMMONS
 Printed Name

February 2, 2005
 Date

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

Attn.: BOX TTAB NO FEE

75/875,761

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 fail to state a claim upon which relief can be granted.

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Second 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.

Third 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.

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: February 2, 2005

By: _____



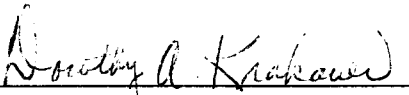
Keith E. Danish
KIRKPATRICK & LOCKHART
NICHOLSON GRAHAM LLP
599 Lexington Avenue
New York, New York 10022-6030
Telephone: (212) 536-4063
E-mail: kdanish@klnq.com

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 2nd day of February, 2005.



Dorothy A. Krakauer