

ESTTA Tracking number: **ESTTA66388**

Filing date: **02/14/2006**

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	Sanofi-Aventis
Granted to Date of previous extension	02/19/2006
Address	174 avenue de France Paris, 75013 FRANCE

Domestic Representative	Susan Upton Douglass 866 United Nations Plaza New York, NY 10017 UNITED STATES sdouglass@frosszelnick.com Phone:212-813-5900
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Applicant Information

Application No	76568989	Publication date	08/23/2005
Opposition Filing Date	02/14/2006	Opposition Period Ends	02/19/2006
Applicant	BAVARIAN NORDIC A/S BOEGESKOVVEJ 9 DK-3490 KVISTGAARD, DENMARK		

Goods/Services Affected by Opposition

Class 005. All goods and services in the class are opposed, namely: Pharmaceutical preparations for human and veterinary use, namely, preparations for the treatment and prevention of disease caused by infectious agents, preparation for the treatment and prevention of diseases induced by poxviruses, preparation for the treatment and prevention of smallpox, preparations for the treatment and prevention of tumor diseases, preparations for stimulating the immune system, preparations enabling the transient expression of therapeutic gene products, adjuvants for use with vaccines, and vaccines
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Attachments	060213-0508586-IMPLAVEX v IMVANEX-Notice of Opp.pdf (6 pages)
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Signature	/susan upton douglass/
Name	Susan Upton Douglass
Date	02/14/2006

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

Opposer's Ref: SYN USA TC-05/08586

In the Matter of Application Serial No. 76/568989
Mark: IMVANEX

-----X	:	
Sanofi-Avnetis	:	
	:	
Opposer,	:	
	:	Opposition No. _____
- against -	:	
	:	
Bavarian Nordic A/S	:	
	:	
Applicant.	:	
-----X	:	

NOTICE OF OPPOSITION

Opposer, Sanofi-Aventis, a French corporation located and doing business at 174 avenue de France, 75013 Paris, France, believes that it would be damaged by the issuance of a registration for the trademark IMVANEX as applied for in Application Serial No. 76/568989, and therefore opposes the same. As grounds for its opposition, Opposer, by its attorneys Fross Zelnick Lehrman & Zissu, P.C., alleges as follows:

1. Opposer is the owner of U.S. Registration No. 2834334, issued April 20, 2004, for the mark IMPLAVEX for pharmaceutical preparations for the treatment of cardiovascular diseases in International Class 5. The registration shows a priority date of first use of April 2, 2002, long prior to any date on which Applicant relies. Opposer's registration is valid, subsisting, and in full force and effect. A copy of the foregoing registration is attached as Exhibit A.

2. On January 9, 2004, Applicant, Bavarian Nordic A/S, filed the application at issue to register the mark IMVANEX for pharmaceutical preparations for human and veterinary use, namely, preparations for the treatment and prevention of disease caused by infectious agents, preparation for the treatment and prevention of diseases induced by poxviruses, preparation for the treatment and prevention of smallpox, preparations for the treatment and prevention of tumor diseases, preparations for stimulating the immune system, preparations enabling the transient expression of therapeutic gene products, adjuvants for use with vaccines, and vaccines in International Class 5, on the basis of intent to use. On information and belief, Applicant made no use of this mark prior to its filing date of January 9, 2004.

3. The mark that Applicant seeks to register, IMVANEX, is similar in sound, appearance and overall commercial impression to Opposer's mark, IMPLAVEX, and will be used on goods that are closely related to the goods on which Opposer uses its registered mark. Based on the similarities of the marks and goods, the public is likely to associate the goods sold by Applicant under the mark IMVANEX with Opposer or with Opposer's goods, or to believe that Applicant's goods/ are sponsored, endorsed or licensed by Opposer, or that there is some relationship between Applicant and Opposer.

4. For the above reasons, any use of the mark IMVANEX by Applicant is likely to cause confusion, cause mistake or deceive the public, and cause the public to believe that the goods sold under the IMVANEX mark emanate from or are otherwise sponsored by or endorsed by Opposer, in violation of Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

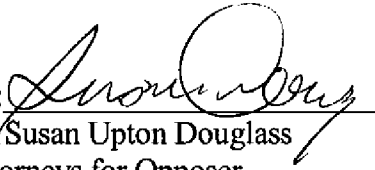
By reason of the foregoing, Opposer will be damaged by the registration of the mark IMVANEX to Applicant.

WHEREFORE, it is respectfully requested that this opposition be sustained and that the registration sought by Application Serial No. 76/568989 be denied.

Dated: New York, New York
February 14, 2006

Respectfully submitted,

FROSS ZELNICK LEHRMAN
& ZISSU, P.C.

By: 
Susan Upton Douglass
Attorneys for Opposer
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Serial Number: 78170313 Assignment Information

Registration Number: 2834334 Assignment Information

Mark (words only): IMPLAVEX

Standard Character claim: No

Current Status: Registered.

Date of Status: 2004-04-20

Filing Date: 2002-10-02

Transformed into a National Application: No

Registration Date: 2004-04-20

Register: Principal

Law Office Assigned: LAW OFFICE 112

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 900 -File Repository (Franconia)

Date In Location: 2004-05-17

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. SANOFI-AVENTIS

Address:

SANOFI-AVENTIS
174 AVENUE DE FRANCE
75013 PARIS
France

Legal Entity Type: Corporation

State or Country of Incorporation: France

GOODS AND/OR SERVICES

International Class: 005

PHARMACEUTICAL PREPARATIONS FOR THE TREATMENT AND PREVENTION OF

CARDIOVASCULAR DISEASES**First Use Date:** (DATE NOT AVAILABLE)**First Use in Commerce Date:** (DATE NOT AVAILABLE)**Basis:** 44(e)

ADDITIONAL INFORMATION

Foreign Application Number: 023158397**Foreign Registration Number:** 23158397**Foreign Registration Date:** 2002-04-02**Country:** France**Foreign Filing Date:** 2002-04-02**Foreign Expiration Date:** 2012-04-01

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2004-04-20 - Registered - Principal Register

2004-03-26 - TEAS Change of Correspondence Received

2004-02-03 - ITU claim deleted

2003-12-09 - Published for opposition

2003-11-19 - Notice of publication

2003-10-09 - Approved for Pub - Principal Register (Initial exam)

2003-09-15 - Communication received from applicant

2003-09-19 - Communication received from applicant

2003-09-28 - Case File in TICRS

2003-09-22 - Email Received

2003-09-15 - TEAS Response to Office Action Received

2003-03-13 - Non-final action mailed

2003-03-07 - Case file assigned to examining attorney

CORRESPONDENCE INFORMATION

Correspondent

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Trademark & Patent Counselors of America
, P.C.
