

ESTTA Tracking number: **ESTTA147232**

Filing date: **06/21/2007**

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		
Entity	Corporation	Citizenship	France
Address	174 Avenue de France Paris, 75013 FRANCE		

Attorney information	Vincent P. Rao II Kirkpatrick & Lockhart Preston Gates Ellis LLP 599 Lexington Avenue New York, NY 10022 UNITED STATES vincent.rao@klgates.com, nytrademarks@klgates.com Phone:(212) 536-3987		
----------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--	--

Applicant Information

Application No	78810783	Publication date	05/22/2007
Opposition Filing Date	06/21/2007	Opposition Period Ends	06/21/2007
International Registration No.	NONE	International Registration Date	NONE
Applicant	Sigma-Tau Industrie Farmaceutiche Riunite S.p.A. Viale Shakespeare, 47 Roma, 00144 ITALY		

Goods/Services Affected by Opposition

Class 005. All goods and services in the class are opposed, namely: Pharmaceutical preparations for use in treating cardiovascular and arterial diseases

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
--------------------------------------	----------------------------

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	2005791	Application Date	06/20/1995
Registration Date	10/08/1996	Foreign Priority Date	NONE
Word Mark	AVAPRO		
Design Mark			

Description of Mark	NONE
Goods/Services	Class 005. First use: pharmaceutical preparations for the prevention and treatment of cardiovascular disorders

U.S. Registration No.	2945860	Application Date	06/10/2003
Registration Date	05/03/2005	Foreign Priority Date	04/25/2003
Word Mark	AVAPRO		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 005. First use: Pharmaceutical preparations for the prevention and treatment of cardiovascular diseases, including blood pressure disorders, and kidney diseases; Pharmaceutical preparations for the prevention and treatment of cardiovascular diseases, including blood pressure disorders, and kidney diseases		

Attachments	78260380#TMSN.gif (1 page)(bytes) NY-#535619-v1-Routing_Sheet_(174535-1_06_21_2007_06_34_50_PM).pdf (4 pages)(153314 bytes)
-------------	---------------------------------------------------------------------------------------------------------------------------------------

Signature	/vincent p. rao II/
Name	Vincent P. Rao II
Date	06/21/2007

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

*In the Matter of Application Serial No. 78/810,783
Published in the Official Gazette May 22, 2007
Atty. Ref.: 0820110.NY061734*

-----:
Sanofi-Aventis :

Opposer, :

-against- :

Sigma-Tau Industrie Farmaceutiche
Riunite S.p.A. :

Applicant. :

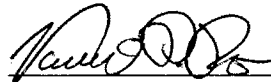
-----:
Commissioner for Trademarks
Alexandria, VA

Attn: BOX TTAB FEE

Opposition No.:

Via: Electronic Filing (www.uspto.gov)

I hereby certify that this document was
filed electronically with the U.S. Patent
and Trademark Office.



Vincent P. Rao II

June 21, 2007

NOTICE OF OPPOSITION

Sanofi-Aventis, a French corporation, with a place of business located at 174 Avenue de France, 75013 Paris, France [hereinafter "Opposer"], believes that it will be damaged by registration of the proposed trademark PROVAD in Application Serial No. 78/810,783, filed February 9, 2006, and hereby opposes same.

As grounds for opposition, it is alleged that:

1. Sigma-Tau Industrie Farmaceutiche Riunite S.p.A. [hereinafter "Applicant"] has filed an application in the United States Patent and Trademark Office, Serial No. 78/810,783,

filed on February 9, 2006, for registration of the trademark PROVAD on the Principal Register covering “*pharmaceutical preparations for use in treating cardiovascular diseases, and arterial diseases*” (Int’l. Class 5) based on ownership of Italian Registration no. 740146.

2. Upon information and belief, Applicant has not used its alleged trademark PROVAD in commerce prior to the aforementioned application filing date.

3. Opposer is one of the world’s leading pharmaceutical companies which is well known for its research and development of pharmaceuticals for the treatment of cardiovascular diseases.

4. Opposer is the owner of the following trademarks on the Principal Register of the United States Patent and Trademark Office: AVAPRO, Registration No. 2,005,791, registered on October 8, 1996, in respect of “*Pharmaceutical preparations for the prevention and treatment of cardiovascular disorders*” and AVAPRO & Design, Registration No. 2,945,860, registered on May 3, 2005, in respect of “*Pharmaceutical preparations for the prevention and treatment of cardiovascular diseases, including blood pressure disorders, and kidney diseases*”. Each of these registrations is currently valid and subsisting in the records of the United States Patent & Trademark Office. Registration No. 2,005,791 is incontestable pursuant to §15 of the Lanham Act, 15 U.S.C. 1065.

4. Opposer has continuously used the trademark AVAPRO in connection with sale of pharmaceuticals in commerce long prior to the filing date of the application opposed here.

5. The trademark AVAPRO is inherently distinctiveness and represents an extremely valuable asset and symbol of the goodwill of Opposer’s business by identifying pharmaceuticals which have their source of origin exclusively with Opposer, and by distinguishing such pharmaceuticals from those of others.

6. Applicant's alleged trademark PROVAD is similar to Opposer's AVAPRO trademark in appearance and commercial impression.

7. The goods set forth in Applicant's trademark application are identical or closely related to pharmaceuticals which Opposer has sold and continues to sell in commerce under the trademark AVAPRO and which are included in Opposer's aforesaid registrations.

8. As a result of the similarity of the trademarks AVAPRO and PROVAD and the identical and closely related nature of the pharmaceuticals of Applicant and Opposer, purchasers of Applicant's pharmaceuticals sold under the PROVAD trademark will be likely to be confused, mistaken, or deceived as to the source of origin, sponsorship, and relationship of its pharmaceuticals resulting in potentially harmful consequences to users of Opposer's and Applicant's pharmaceuticals.

9. Applicant's trademark is calculated or likely to cause irreparable loss, injury and/or damage to Opposer's business and to the goodwill thereto appertaining as symbolized and recognized by its aforementioned trademark.

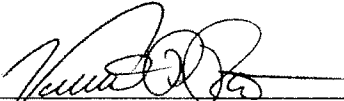
10. Applicant's alleged trademark is a colorable imitation or misappropriation of Opposer's AVAPRO trademark.

IN CONCLUSION, Opposer, by its undersigned attorneys, prays that its opposition to Application Serial No. 78/810,783 be sustained and that the Trademark Trial and Appeal Board grant any and all further relief to Opposer that the Board finds to be necessary and just in the circumstances.

Respectfully submitted,

Sanofi-Aventis

Dated: June 21, 2007

By  _____
Mark I. Peroff

Vincent P. Rao II

**KIRKPATRICK & LOCKHART
PRESTON GATES ELLIS LLP**

599 Lexington Avenue

New York, New York 10022-6030

Tel. No.: (212) 536-3900

E-Mail: vincent.rao@klgates.com

Attorneys for Opposer