

ESTTA Tracking number: **ESTTA214320**

Filing date: **05/29/2008**

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	Novartis AG
Granted to Date of previous extension	06/01/2008
Address	4002 Basel, SWITZERLAND

Attorney information	Maury M. Tepper, III Womble Carlyle Sandridge & Rice, PLLC PO Box 831 Raleigh, NC 27602 UNITED STATES mtepper@wcsr.com Phone:919-755-2109
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### Applicant Information

Application No	77214599	Publication date	12/04/2007
Opposition Filing Date	05/29/2008	Opposition Period Ends	06/01/2008
Applicant	RANBAXY LABORATORIES LIMITED Plot No. 90, Sector - 32 Gurgaon, Haryana, 122001 INDIA		

### Goods/Services Affected by Opposition

Class 005. All goods and services in the class are opposed, namely: pharmaceutical and medicinal preparations for treatment of dermatological conditions
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### Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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### Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	3213713	Application Date	02/22/2006
Registration Date	02/27/2007	Foreign Priority Date	NONE
Word Mark	CERTICAN		
Design Mark			
Description of	NONE		

Mark	
Goods/Services	Class 005. First use: Pharmaceutical preparations for the prevention of rejection episodes following organ transplantation

Attachments	79024169#TMSN.jpeg ( 1 page )( bytes ) TERTICA Opposition .pdf ( 3 pages )(65897 bytes )
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### **Certificate of Service**

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Maury M. Tepper, III/
Name	Maury M. Tepper, III
Date	05/29/2008

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

In the matter of Trademark Application Serial No. 77/214,599  
Filed June 25, 2007  
For the Mark **TERTICA**

Novartis AG,	)	
	)	
Opposer,	)	
	)	
v.	)	Opposition No.
	)	
Ranbaxy Laboratories Limited	)	
	)	
Applicant.	)	

**NOTICE OF OPPOSITION**

Opposer Novartis AG, CH-4002, Basel, Switzerland, believes that it will be damaged by registration of the mark shown in Serial No. 77/214,599, and hereby opposes the same.

The grounds for opposition are as follows:

1. Applicant filed intent-to-use Application Serial No. 77/214,599 on or about June 25, 2007 to register the mark TERTICA in connection with "pharmaceutical and medicinal preparations for treatment of dermatological conditions" ("Applicant's Mark").
2. Opposer will be damaged by the registration of Applicant's Mark.
3. Opposer is the owner of the following: United States Trademark Registration No. 3,213,713, filed February 22, 2006 and registered February 2, 2007, for the mark CERTICAN in connection with pharmaceutical preparations ("Opposer's Mark").

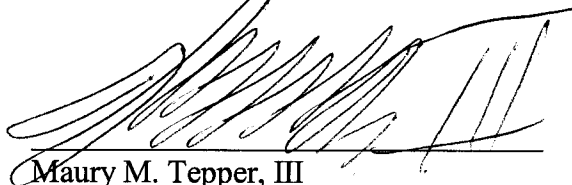
4. The registration date for Opposer's Mark, February 2, 2007, is prior to any priority date that Applicant can claim relating to Applicant's Mark.

5. Applicant's Mark so resembles Opposer's Mark as to be likely to cause confusion or to cause mistake or to deceive.

WHEREFORE, Opposer prays that said application Serial No. 77/214,599 be rejected, that no registration be issued, and that this Opposition be sustained in favor of Opposer.

This the 29th day of May, 2008.

Respectfully submitted,



Maury M. Tepper, III

Kathryn M. Eyster

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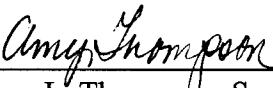
**CERTIFICATE OF FILING**

I do hereby certify that on May 29, 2008, I filed via electronic means (ESTTA)  
this NOTICE OF OPPOSITION with the:

U. S. Patent and Trademark Office  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, Virginia 22313-1451

With a copy to:

Jayadeep R. Deshmukh, Esq.  
Ranbaxy Inc.  
600 College Road E, Suite 2100  
Princeton, NJ 08540-6636

  
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Amy L. Thompson, Senior Paralegal