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Filing date: **08/06/2008**

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

Proceeding	91185160
Party	Defendant Takeda Pharmaceutical Company Limited
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Submission	Answer
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Date	08/06/2008
Attachments	Takeda's Answer to Opposition No. 91185160.PDF ( 3 pages )(60574 bytes )

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

Nycomed GmbH	)	
	)	
	Opposer,	
	)	
v.	)	Opposition No.: 91185160
	)	Serial Nos.: 77/140,293
Takeda Pharmaceutical Company Limited	)	
	)	
	Applicant.	
	)	
_____	)	

**ANSWER**

Applicant, Takeda Pharmaceutical Company Limited (“Applicant”), responds to the numbered allegations of the Notice of Opposition as follows:

1. Admitted.
2. Admitted
3. Admitted.
4. Applicant lacks information sufficient to form a belief as to the truth or

falsity of the allegations of Paragraph 4 and therefore denies them.

5. Applicant admits that Opposer appears to own Reg. No. 3,224,746 for the mark DEZINA in connection with the listed pharmaceutical products, however, Applicant lacks information sufficient to form a belief as to the truth or falsity of the remaining allegations of Paragraph 5 and therefore denies them.

6. Denied.
7. Denied.

8. Applicant lacks information sufficient to form a belief as to the truth or falsity of the allegations of Paragraph 8 and therefore denies them.

9. Applicant lacks information sufficient to form a belief of how Opposer is construing the “doctrine of greater care,” and therefore denies the doctrine’s application to this case. To the extent that such an allegation is implied by Paragraph 9, Applicant denies that its NESINA mark is not “clearly distinguishable” from Opposer’s DEZINA mark.

10. Denied.


11. Denied

12. Denied.

13. Applicant admits that it applied to register its NESINA mark without the express written approval or authorization of Opposer, but denies that such approval or authorization was necessary and denies the remaining allegations of Paragraph 13.

Accordingly, Applicant respectfully requests the opposition be dismissed and Application No. 77/140,293 be allowed for registration.

Respectfully submitted,

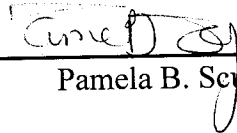
By:   
B. Brett Heavner  
FINNEGAN, HENDERSON,  
FARABOW, GARRETT & DUNNER, L.L.P.  
901 New York Avenue, NW  
Washington, D.C. 20001

Dated: August 6, 2008

**CERTIFICATE OF SERVICE**

I certify that a true and accurate copy of the foregoing ANSWER has been served via first class mail, postage prepaid upon counsel for Opposer on this <sup>th.</sup> 6 day of August, 2008.

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Pamela B. Scully