

ESTTA Tracking number: **ESTTA270358**

Filing date: **03/05/2009**

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	Salix Pharmaceuticals, Ltd.
Granted to Date of previous extension	03/08/2009
Address	1700 Perimeter Park Drive Morrisville, NC 27560 UNITED STATES

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	77449665	Publication date	09/09/2008
Opposition Filing Date	03/05/2009	Opposition Period Ends	03/08/2009
Applicant	MacroChem Corporation 80 Broad Street, 22nd Floor New York, NY 10004 UNITED STATES		

Goods/Services Affected by Opposition

Class 005. All goods and services in the class are opposed, namely: Pharmaceutical preparations and formulations used in treatment of cancer, cardiovascular, autoimmune, neurological and infectious diseases
Class 042. All goods and services in the class are opposed, namely: Research and development of technologies for the treatment of cancer, cardiovascular, autoimmune, neurological and infectious diseases

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. Application/Registration No.	NONE	Application Date	NONE
Registration Date	NONE		

Word Mark	SALIX
Goods/Services	Pharmaceutical preparations for the prevention of and treatment of gastrointestinal diseases and disorders

Attachments	SALEXIUM PHARMACEUTICALS Opposition .pdf (3 pages)(73447 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	03/05/2009

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

In the matter of Trademark Application Serial No. 77/449,665

Filed April 16, 2008

For the Mark **SALEXIUM PHARMACEUTICALS**

SALIX PHARMACEUTICALS, INC.)	
)	
Opposer,)	
)	
v.)	Opposition No.
)	
MACROCHEM CORPORATION)	
)	
Applicant.)	

NOTICE OF OPPOSITION

Opposer Salix Pharmaceuticals, Inc., a North Carolina corporation, believes that it will be damaged by registration of the mark shown in Serial No. 77/449,665, and hereby opposes the same.

The grounds for opposition are as follows:

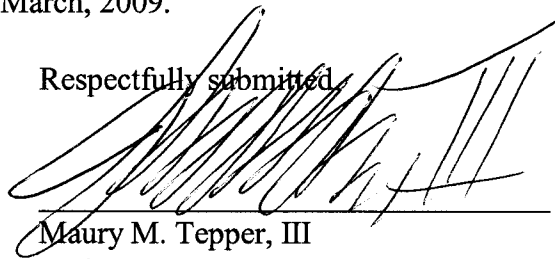
1. Applicant filed intent-to-use Application Serial No. 77/449,665 (the "Application") on or about April 16, 2008 to register the mark SALEXIUM PHARMACEUTICALS in connection with "[p]harmaceutical preparations and formulations used in treatment of cancer, cardiovascular, autoimmune, neurological and infectious diseases" in Class 5 and for "[r]esearch and development of technologies for the treatment of cancer, cardiovascular, autoimmune, neurological and infectious diseases" in Class 42 ("Applicant's Mark").

2. Opposer will be damaged by the registration of Applicant's Mark.
3. Opposer has been using the marks SALIX and SALIX PHARMACEUTICALS in connection with its pharmaceutical research and pharmaceutical preparations since at least as early as 1989, prior to the filing of the Application and prior to any claimed priority associated with the Application.
4. 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. 77/449,665 be rejected, that no registration be issued, and that this Opposition be sustained in favor of Opposer.

This the 5th day of March, 2009.

Respectfully submitted,



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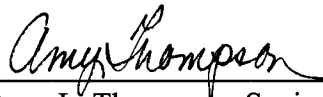
CERTIFICATE OF FILING

I do hereby certify that on March 5, 2009, 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 copy via first class mail to:

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Amy L. Thompson, Senior Paralegal