

ESTTA Tracking number: **ESTTA296398**

Filing date: **07/21/2009**

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	Novartis AG
Granted to Date of previous extension	07/22/2009
Address	4002 Basel, SWITZERLAND

Attorney information	Maury M. Tepper, III Tepper & Eyster, PLLC 3724 Benson Drive Raleigh, NC 27609 UNITED STATES mtepper@teiplaw.com Phone:9198618903
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**Applicant Information**

Application No	77629620	Publication date	03/24/2009
Opposition Filing Date	07/21/2009	Opposition Period Ends	07/22/2009
Applicant	JCA DEVELOPMENT OF MIAMI, INC. 12379 SW 130TH STREET MIAMI, FL 331866208 UNITED STATES		

**Goods/Services Affected by Opposition**


Class 005. All goods and services in the class are opposed, namely: Dermatological pharmaceutical products; Dermatologicals; Gels, creams and solutions for dermatological use; Medical cleansers for skin and wounds; Medicated skin care preparations; Medicated skin care preparations, namely, creams, lotions, gels, toners, cleaners and peels; Medicated skin preparation for use in treating and topical control of acne vulgaris, acne rosacea and seborrheic dermatitis.; Pharmaceutical preparations for skin care; Pharmaceutical preparations for use in dermatology
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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.	3181206	Application Date	10/19/2005
Registration Date	12/05/2006	Foreign Priority Date	NONE

Word Mark	ILARIS
Design Mark	
Description of Mark	NONE
Goods/Services	Class 005. First use: Pharmaceutical preparations for the prevention and treatment of disorders and diseases of the nervous system, the immune system, the cardio-vascular system and the respiratory system; pharmaceutical preparations for the prevention and treatment of diabetes, of musculoskeletal and inflammatory disorders; Pharmaceutical preparations for use in dermatology, for use in oncology, for use in hematology, for use in ophthalmology, for use in transplantation; pharmaceutical preparations for use in the field of gastroenterology, for the prevention and treatment of ocular disorders; anti-infectives, antibiotics, antibacterial substances for medical purposes, antivirals and anti-fungals

Attachments	79018797#TMSN.jpeg ( 1 page )( bytes ) CLARIS Opposition.pdf ( 3 pages )(447388 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	07/21/2009

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

In the matter of Trademark Application Serial No. 77/629,620  
Filed December 9, 2008  
For the Mark **CLARIS**

Novartis AG,	)	
	)	
Opposer,	)	
	)	
v.	)	Opposition No.
	)	
JCA Development of Miami, Inc.	)	
	)	
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. 77/629,620, and hereby opposes the same.

The grounds for opposition are as follows:

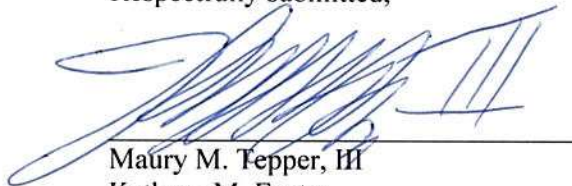
1. Applicant filed intent-to-use Application Serial No. 77/629,620 on or about December 9, 2008 to register the mark CLARIS in connection with "Dermatological pharmaceutical products; Dermatologicals; Gels, creams and solutions for detrmatological use; Medical cleansers for skin and wounds; Medicated skin care preparations; Medicated skin care preparations, namely, creams, lotions, gels, toners, cleaners and peels; Medicated skin preparation for use in treating and topical control of acne vulgaris, acne rosacea and seborrheic dermatitis; Pharmaceutical preparations for skin care; Pherarmaceutical preparations for use in dermatology" ("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. 3,181,206, filed October 19, 2005 and registered December 5, 2006, for the mark ILARIS in connection with pharmaceutical preparations (“Opposer’s Mark”).
4. Both the filing date for Opposer’s Mark (October 19, 2005) and the registration date (December 5, 2006) are 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. 78/495,079 be rejected, that no registration be issued, and that this Opposition be sustained in favor of Opposer.

This the 21st day of July, 2009.

Respectfully submitted,



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Attorneys for Opposer

**CERTIFICATE OF FILING**

I do hereby certify that on July 21, 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 a copy via First Class Mail to:

JCA Development Of Miami, Inc.  
12379 SW 130th Street  
Miami, FL 33186-6208

  
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Amy L. Thompson, Senior Paralegal