

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

In the Matter of Application Serial No. 77/629,620

Mark: Claris

Novartis AG,

Opposer,

v.

Opposition No. 91191142

JCA Development of Miami, Inc.

Applican.

ANSWER

Applicant, JCA Development of Miami, Inc, by and through undersigned counsel, answers the Notice of Opposition of Novartis AG and alleges as follows:

1. Applicant admits the allegations of paragraph 1 of the Opposition.
2. Applicant denies the allegations of paragraph 2 of the Opposition.
3. Applicant is without sufficient knowledge to admit or deny the allegations of paragraph 3 of the Opposition.
4. Applicant is without sufficient knowledge to admit or deny the allegations of paragraph 4 of the Opposition.
5. Applicant denies that there is any similarity whatsoever between the opposer's Mark and the Applicant's Mark. Opposer's Mark, "Ilaris" sounds totally different from Applicant's Mark, "Claris," in at least the following respects: (a) Opposer's mark begins with a vowel, whereas Applicant's begins with a double consonant; (b) Opposer's Mark has three syllables, whereas Applicant's has two; (c) Opposer's Mark begins with the vowel "I" and the consonant "l," and thus begins with the same prefix of words like "illusion," "illegitimate," "ill-advised," and other similar words that use the Latin prefix to denote the negative, (d) the word "Ilaris" evokes, in proper names, a combination of the Russian-made missile ("Ilyushin") with the US-made "Polaris" submarine.



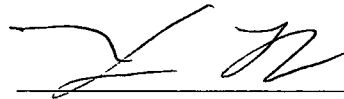
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6. There is no likelihood of confusion between Opposer's prescription product, which is used to treat disorders and diseases of the nervous system, and Applicant's product, which is prescribed by medical professionals to treat dermatological conditions.

7. There is no likelihood of confusion between Opposer's prescription product, which is ingested and Applicant's product, which is applied topically.

WHEREFORE, Applicant respectfully requests that the Board dismiss this Opposition as totally without merit.

Submitted, signed and filed with the US Patent and Trademark Office, Trademark Trial and Appeal Board, PO Box 1451 Alesandria, Va. 22313-1451 and served via fax (919) 861-8913 on Maury Tepper III, Tepper and Eyster, Attorneys for Opposer on this the 25th day of August, 2009.



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