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

Proceeding	91193926
Party	Defendant Case Western Reserve University
Correspondence Address	PETER POULOS 10900 EUCLID AVE CLEVELAND, OH 44106-1712 UNITED STATES peter.poulos@case.edu
Submission	Answer
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Date	05/16/2011
Attachments	Answer to Notice of Opposition.pdf (3 pages)(78172 bytes)

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

Novartis AG)	
)	Opposition No: 91193926
Opposer,)	
v.)	
)	Serial No.: 77/757,021
Case Western Reserve University)	
)	
Applicant.)	

ANSWER TO NOTICE OF OPPOSITION

Comes now the Applicant, Case Western Reserve University ("Applicant"), and submits its Answer to the Notice of Opposition filed by Novartis AG ("Opposer") against Applicant's application for registration of the mark THINK BEYOND THE POSSIBLE, Serial No. 77/757,021, published in the Official Gazette on November 25, 2009, by numbered paragraphs as follows:

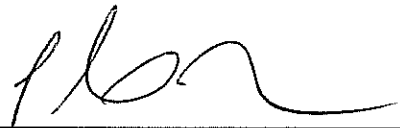
1. Applicant is without sufficient information to admit or deny the allegations of Paragraph 1 of Opposer's Notice of Opposition, and therefore the allegations are denied.
2. Applicant is without sufficient information to admit or deny the allegations of Paragraph 2 of Opposer's Notice of Opposition, and therefore the allegations are denied.
3. Applicant admits the allegations of Paragraph 3.
4. Applicant denies the allegations of Paragraph 4.
5. Applicant denies the allegations of Paragraph 5.
6. Applicant denies the allegations of Paragraph 6.
7. Applicant denies the allegations of Paragraph 7.
8. Applicant denies that Opposer is entitled to any of the relief sought in the Notice of Opposition or to any relief whatsoever. Each and every allegation contained in the Notice of Opposition which has not heretofore been specifically admitted or denied is generally denied.

AFFIRMATIVE DEFENSES

1. The Notice of Opposition fails to state a claim upon which relief may be granted.
2. The overall impression created by Applicant's mark and Opposer's asserted mark do not create a likelihood of confusion or a tendency to cause mistake or to deceive, due among other things, to the differences in the marks, the differences in the goods, the differences with respect to the trade channels, and the differences in and sophistication of the customers.
3. The overall impression created by Applicant's mark and Opposer's asserted mark do not create a likelihood of dilution or blurring, and would not destroy Opposer's investment and goodwill, due among other things, to the differences in the marks, the differences in the goods, the differences with respect to the trade channels, and the differences in and sophistication of the customers.
4. Applicant's mark was in use prior to the Opposer's first use of its asserted mark.

WHEREFORE, having fully answered, Applicant denies that Opposer could or would be damaged by the allowance of the present application for trademark registration and prays that the Notice of Opposition be dismissed and a certificate of registration granted to Applicant in due course.

Respectfully submitted,



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Attorney for Applicant

CERTIFICATE OF SERVICE

I hereby certify that the above Answer to Notice of Opposition was served upon Opposers by depositing a copy of the same in the United States mail, first class postage prepaid, on this

16 day of May, 2011, addressed to:

John P. Margiotta, Esq.
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