

ESTTA Tracking number: **ESTTA433959**

Filing date: **10/05/2011**

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	Promius Pharma, LLC
Granted to Date of previous extension	10/08/2011
Address	200 Somerset Corporate Blvd., 7th Floor Bridgewater, NJ 08807-2862 UNITED STATES

Attorney information	Peter M. Ferrell III; Michael W. Ferrell Ferrells, PLLC P. O. Box 312 Clifton, VA 20124-1706 UNITED STATES Peter@Ferrellaw.com Phone:(703) 968-8600
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Applicant Information

Application No	85283629	Publication date	08/09/2011
Opposition Filing Date	10/05/2011	Opposition Period Ends	10/08/2011
Applicant	TIBOTEC PHARMACEUTICALS Eastgate Village, Eastgate Little Island Co. Cork, IRELAND		

Goods/Services Affected by Opposition

Class 005. Opposed goods and services in the class: Human pharmaceuticals for the treatment of infectious-related disease, auto-immune and inflammatory diseases, cardiovascular diseases, central nervous system diseases and pain, dermatologic disorders, metabolic diseases, anti-viral diseases, oncologic diseases, respiratory diseases, ophthalmic diseases, muscle dystonias, wrinkles and smooth muscle disorders, gastro-intestinal diseases; Human pharmaceuticals for use as hemostatic agents
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Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

Marks Cited by Opposer as Basis for Opposition


U.S. Registration No.	3620156	Application Date	10/05/2007
Registration Date	05/12/2009	Foreign Priority	NONE


		Date	
Word Mark	PROMIUS		
Design Mark	<h1>PROMIUS</h1>		
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 2008/12/03 First Use In Commerce: 2008/12/03 Pharmaceutical preparations for use in human dermatology		


U.S. Registration No.	3620157	Application Date	10/05/2007
Registration Date	05/12/2009	Foreign Priority Date	NONE

Word Mark	PROMIUS PHARMA		
Design Mark	<h1>PROMIUS PHARMA</h1>		
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 2008/12/03 First Use In Commerce: 2008/12/03 Pharmaceutical preparations for use in human dermatology		

U.S. Registration No.	3620218	Application Date	11/06/2007
Registration Date	05/12/2009	Foreign Priority Date	NONE
Word Mark	PROMIUS PHARMA		

Design Mark			
Description of Mark	The mark consists of the words "PROMIUS" and PHARMA.		
Goods/Services	Class 005. First use: First Use: 2008/12/03 First Use In Commerce: 2008/12/03 Pharmaceutical preparations for use in human dermatology		

U.S. Registration No.	3796365	Application Date	06/05/2008
Registration Date	06/01/2010	Foreign Priority Date	NONE
Word Mark	PROMIUS PHARMA UNLIMITED POSSIBILITIES		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 2008/10/14 First Use In Commerce: 2008/10/14 Pharmaceutical preparations for use in human dermatology		

U.S. Registration No.	3807827	Application Date	10/14/2008
Registration Date	06/22/2010	Foreign Priority Date	NONE
Word Mark	PROMIUS		
Design Mark			

Description of Mark	NONE
Goods/Services	Class 005. First use: First Use: 2009/02/16 First Use In Commerce: 2009/02/16 Human cardiovascular pharmaceuticals

Attachments	77297040#TMSN.jpeg (1 page)(bytes) 77297186#TMSN.jpeg (1 page)(bytes) 77322712#TMSN.jpeg (1 page)(bytes) 77491370#TMSN.jpeg (1 page)(bytes) PROMISTO Opp'n Grounds pdf.pdf (1 page)(90945 bytes) 77592267#TMSN.jpeg (1 page)(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	/Peter M. Ferrell III/
Name	Peter M. Ferrell III
Date	10/05/2011

The above- identified Opposer believes it will be damaged by registration of the mark shown in the above-identified application and hereby opposes the same.

The grounds for opposition are priority of its five trademark registrations consisting of or containing its Trademark PROMIUS and the likelihood of confusion with the mark sought to be registered under Trademark Act Section 2(d), and dilution of its trademarks consisting of or containing the word PROMIUS under Trademark Act Section 43(c).