

ESTTA Tracking number: **ESTTA709753**

Filing date: **11/20/2015**

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

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| Name | Laverana GmbH & Co. KG |
| Granted to Date of previous extension | 11/25/2015 |
| Address | Am Weingarten 4 Wennigsen, D-30974 GERMANY |

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| Attorney information | Susan Neuberger Weller Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C. 701 Pennsylvania Avenue, N.W. Suite 900 Washington, DC 20004 UNITED STATES snweller@mintz.com, jddib@mintz.com Phone:2025853510 |
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Applicant Information

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| Application No | 86187819 | Publication date | 07/28/2015 |
| Opposition Filing Date | 11/20/2015 | Opposition Period Ends | 11/25/2015 |
| Applicant | Moderna Therapeutics, Inc. 320 Bent Street Cambridge, MA 02141 UNITED STATES | | |

Goods/Services Affected by Opposition


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| <p>Class 005. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Vaccines; pharmaceutical preparations, namely, nucleic acid preparations for the treatment and prevention of infectious diseases; medicines, namely, nucleic acid therapeutics for the treatment and prevention of infectious diseases; biological preparations, namely, nucleic acid preparations for the prevention and treatment of infectious diseases; biotherapeutics, namely, nucleic acid therapeutics for the prevention and treatment of infectious diseases; biosimilars in the nature of therapeutic agents, namely, nucleic acid therapeutics for the prevention and treatment of infectious diseases; vaccine adjuvants</p> |
| <p>Class 042. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Scientific research in the fields of immunopharmaceuticals and vaccines; scientific research in the fields of pharmaceuticals, medicine, biologics, bio therapeutics, biosimilars and therapeutics for the prevention and treatment of infections or diseases</p> |

Grounds for Opposition

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| Priority and likelihood of confusion | Trademark Act section 2(d) |
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Marks Cited by Opposer as Basis for Opposition

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| U.S. Registration No. | 2687717 | Application Date | 02/22/1999 |
| Registration Date | 02/18/2003 | Foreign Priority Date | NONE |
| Word Mark | LAVERA | | |
| Design Mark | | | |
| Description of Mark | NONE | | |
| Goods/Services | <p>Class 003. First use: First Use: 0 First Use In Commerce: 0 COSMETICS, NAMELY, FACE CREAMS AND LOTIONS, SKIN CLEANSERS, PERSONAL HYGIENE PRODUCTS, NAMELY, SHOWER GELS, SHAMPOOS AND BODY LOTIONS, SUN SCREEN PREPARATIONS; PRODUCTS FOR BABIES' AND CHILDRENS' CARE, NAMELY, BATHING OILS, SHAMPOOS, SKIN OILS AND CREAMS; MEN'S CARE PRODUCTS, NAMELY, SHAVING CREAM, AFTER-SHAVE BALMS, SHOWER SHAMPOOS AND DEODORANTS; HAIR LOTIONS, DENTIFRICES, [PERFUME, FOOT CREAMS AND LOTIONS; FOOT CARE PRODUCTS, NAMELY, ABRASIVE DEVICES IN THE NATURE OF PUMICE STONES, RASPS, OR FILES FOR TREATING CORNS AND CALLUSES, NON-MEDICATED POWDERS AND LIQUIDS FOR BATHING FEET, AND NON-ELECTRIC MASSAGE DEVICES, SPECIFICALLY, DEVICES DESIGNED FOR MASSAGING FEET;] DECORATIVE COSMETICS, NAMELY, TINTED MOISTURIZING CREAMS, MAKEUP, COMPACT FACE POWDERS AND ROUGES, COVER-UP STICKS, LIPSTICKS, EYE-DECORATING PENCILS AND MASCARA</p> <p>Class 005. First use: First Use: 0 First Use In Commerce: 0 [NUTRITIONAL SUPPLEMENTS AND VITAMINS]</p> | | |

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| U.S. Registration No. | 3874214 | Application Date | 03/13/2009 |
| Registration Date | 11/09/2010 | Foreign Priority Date | NONE |
| Word Mark | LAVERA BASIS SENSITIV | | |
| Design Mark |  | | |
| Description of Mark | NONE | | |
| Goods/Services | <p>Class 003. First use: First Use: 1987/02/00 First Use In Commerce: 2004/01/00 abrasive products for cosmetic use, namely, cloths, papers, pastes, rolls, and sand; after-shave products, namely, lotions, cologne, balms, creams, emulsions, and gels; shaving preparations, namely, creams, foams and gels; after-sun care products, namely, balms, creams, gels, lotions, milks, and oils; age-retardant products, namely, gels, creams, and lotions; age spot reducing creams; alcohol</p> | | |

for cleaning purposes; antibacterial skin soaps; antiperspirants and deodorants for personal use; anti-aging products, namely, cleansers, creams, moisturizers, and toners; anti-wrinkle creams; aromatherapy body care products, namely, body lotions, shower gels, cuticle creams, shampoos, conditioners, non-medicated lip balms, soaps, body polish, body and foot scrub and non-medicated foot creams, oils, and sprays; baby skin and hair care products, namely, lotions, oils, powders, shampoos, hair conditioners, and wipes; bar soaps; bath and shower products, namely, gels, salts, mineral salts, beads, creams, crystals, fizzies, flakes, foams, herbs, lotions, milks, oils, pearls, bubble bath, powder, and soaps in liquid, solid or gel form not for medical purposes; beauty products, namely, creams, gels, lotions, masks, milks, and serums; bleaching preparations for cosmetic purposes; body and beauty care cosmetics, namely, body butter, body crayons, body creams, deodorant in pill form, body deodorants, body lotions, body mask creams, body mask lotions, body mask powder, body milks, body oils, sprays used as a personal deodorant and as fragrance, and body washes; breath fresheners and breath mints for use as a breath freshener; cleaners for cosmetic brushes; cleansing products, namely, creams, milk, cloths or tissues impregnated with skin cleanser; cold creams; colognes and perfumes; color cosmetic products, namely, blush, blush pencils, chalk for cosmetic use, pencils, eyeliners, eye make-up, eye shadows, eyebrow cosmetics, face highlighters, rouges, lip liners, lipsticks, concealers for face and body, make-up, creamy face powder, glitter powder, pressed face powder, creamy foundation, foundation make-up, loose face powder, mascaras, and creamy rouges; cosmetic preparations, namely, cosmetic balls, creams, facial blotting papers, milks, oils, pads, preparations for skin renewal, preparations against sunburn, preparations for eye lashes, aerosols for skin care, sun-tan preparations, and sun-protecting preparations; eye skin care products, namely, creams, gels, lotions, masks, and make-up removers; facial skin care products, namely, creams, milks, lotions, night creams, powder, beauty masks, cleansers, creams, emulsions, scrubs, washes; hair care products, namely, conditioners, shampoos, hair dressing preparations, lotions, gels, mousse, balsams, oils, pomades, and sprays; hand skin care products, namely, cleaners, creams, soaps, lotions, and scrubs; lip care products, namely, balms, creams, and glosses; compacts containing make-up; cotton balls, buds, puffs, sticks, swabs, and wool for cosmetic purposes; dental care products, namely, dental bleaching gels, dentifrices, teeth cleaning lotions, and mouthwashes; nail care products, namely, cuticle conditioners, cuticle creams, lacquers, and glitter; depilatory preparations and substances; essential oils for personal use; exfoliant creams for skin and feet; perfumed and scented skin care products, namely, creams, powders, lotions, cream soaps, and soaps; feminine hygiene cleansing towelettes; foams containing cosmetics and sunscreens; foot care products, namely, deodorant sprays, non-medicated powders, and foot smoothing stones, impregnated cleaning pads impregnated with cosmetics, namely, indoor sun tanning preparations, SPF sunblock towelettes, pre-moistened cosmetic tissues, towelettes, and wipes; massage preparations, namely, creams, lotions, milks, and oils; skin moisturizing products, namely, creams, milks, and lotions; petroleum jelly for cosmetic purposes; skin clarifiers; skin cleansers; skin fresheners; wrinkle removing skin care preparations; wrinkle resistant creams; wrinkle-minimizing cosmetic preparations for topical facial use

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| U.S. Registration No. | 4230293 | Application Date | 03/24/2009 |
| Registration Date | 10/23/2012 | Foreign Priority Date | NONE |
| Word Mark | Lavera | | |

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| Design Mark | <h1 data-bbox="548 268 1237 394">LAVERA</h1> |
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| Description of Mark | NONE |
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| Goods/Services | <p data-bbox="483 583 1433 1629"> Class 003. First use: First Use: 1987/11/30 First Use In Commerce: 1999/05/31 After-shave products, namely, lotions, cologne, balms, creams, emulsions, and gels; shaving preparations, namely, foams and gels; after-sun care products, namely, creams, gels, lotions, milks, and oils; age-retardant products, namely, gels, creams, and lotions; deodorants for personal use; anti-aging products, namely, cleansers, creams, moisturizers, and toners; anti-wrinkle creams; aromatherapy body care products, namely, body lotions, shower gels, shampoos, conditioners, non-medicated lip balms, soaps, body polish, body and foot scrub and non-medicated foot creams, oils, and sprays; baby skin and hair care products, namely, lotions, oils, powders, shampoos, hair conditioners; bath and shower products, namely, gels, salts, mineral salts, creams, lotions, oils, and soaps in liquid, or gelform not for medical purposes; beauty products, namely, creams, gels, lotions, masks, milks, and serums; body and beauty care cosmetics, namely, body creams, body deodorants, body lotions, body mask creams, body mask lotions, body milks, body oils, spray used as a personal deodorant and as fragrance, and body washes; cleansing products, namely, creams, milk; colognes and perfumes; color cosmetic products, namely, blush, blush pencils, chalk for cosmetic use, pencils, eyeliners, eye make-up, eye shadows, eyebrow cosmetics, face highlighters, rouges, lip liners, lipsticks, concealers for face and body, make-up, creamy face powder, glitter powder, pressed face powder, creamy foundation, foundation make-up, loose face powder, mascaras, and creamy rouges; cosmetic preparations, namely, preparations against sunburn, sun-tan preparations, and sun-protecting preparations; eye skin care products, namely, creams, gels, lotions, masks, and make-up removers; facial skin care products, namely, creams, milks, lotions, night cream, beautymasks, cleansers, creams, emulsions, scrubs, washes; hair care products, namely, conditioners, shampoos, hair dressing preparations, lotions, gels, mousse, and sprays; hand skin care products, namely, cleaners, creams, soaps, lotions, and scrubs; lip care products, namely, balms, creams, and gloss; dental care products, namely, dentifrices; essential oils for personal use; exfoliant creams for skin; perfumed and scented skin care products, namely, creams, powder, lotions, cream soaps, and soaps; skin moisturizing products, namely, creams, milks, and lotions; skin clarifiers; skin cleansers; skin fresheners; wrinkle removing skin care preparations; wrinkle resistant creams; wrinkle-minimizing cosmetic preparations for topical facial use </p> |
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| U.S. Application No. | 85824482 | Application Date | 01/16/2013 |
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| Registration Date | NONE | Foreign Priority Date | 01/16/2013 |
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| Word Mark | LAVERA |
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| Design Mark | <h1>Lavera</h1> |
| Description of Mark | NONE |
| Goods/Services | <p>Class 003. First use: First Use: 0 First Use In Commerce: 0</p> <p>Non-medicated skin care preparations; beauty preparations, namely, cosmetics; non-medicated milks, tonics, lotions, creams, emulsions, and gels for the face and body; non-medicated cleansing preparations for the face and body; skin astringents for cosmetic purposes; body mist; non-medicated foot soaks, depilatory creams; pumice stones for personal use; soaps; bubble bath; shower creams and gels; non-medicated skin care preparations, namely, skin exfoliating products; make-upremoving preparations for the face; talcum powder; shampoos; hair lotions, oils, conditioners and repair preparations; hair dyes; hair spray, gel and mousse; hair brighteners; hair mascaras; shaving creams and gels; after-shave gels and lotions; perfumery; deodorants for personal use; essential oils; bath beads; bath oils and salts; cosmetics; skin masks; foundation cream; blush; bronzing powder;make up powder; facial shimmer preparations; mascara; eyeliners; cosmetic eye and lip pencils; eye shadows; lip balms; lip gloss; lipsticks; makeup removing preparations; nail polish; nail forms; false nails; nail polish remover; cuticle creams; preparations for strengthening nails; non-medicated concealer sticks; body glitter; sun-tanning lotions and creams for the face and body; fake tan lotions and creams for the face and body; sunscreen creams; after sun lotions and creams for the face and body; Perfumes, eauxde toilette; bath and shower gels and salts not for medical purposes; toilet soaps; cosmetics, in particular creams, milks, lotions, gels and powders for the face, body and hands; cosmetics, namely, sun-tanning milks, gels and oils and after-sun preparations; make-up preparations; shampoos; gels, mousses, balms and preparations in aerosol form for hairdressing and hair care; hair lacquers; hair-coloring and hair-decolorizing preparations; preparations for waving and setting hair; cosmetics, decorative cosmetics; face creams and lotions; skin-cleansing lotions and creams, hand and body lotionsand creams; tinted moisturizing creams,make-up, foundation, face powder and rouge; blemish stick, lip pencils, eyeliner pens and mascara, eye shadow; sun carepreparations; foot-care preparations; foot creams and lotions; exfoliants for skin; abrasive implements in the form of pumice stones; non-medicated powders andlotions for foot spas; non-medicated body care products, namely, creams, lotions and polish; shower gels; hair care products, namely, shampoos, hair lotions, conditioning rinses, conditioners, combined shampoo and conditioner, hair sprays,styling mousse and gels; hair dyes; baby and infant care products, namely, babycreams, baby shampoos, and baby toothpaste; bath oils; skin oils and creams; anti-wrinkle creams; massage oils; grooming products for men, namely, shaving cream, after-shave balms; products for oral hygiene, not for medical purposes, namely, toothpaste; preparations for the mouth and for cleaning the mouth, breath-freshening and mouth-freshening preparations, namely, mouth sprays, mouth rinses, dentifrices, and toothpaste; antiperspirants</p> <p>Class 005. First use: First Use: 0 First Use In Commerce: 0</p> <p>Pharmaceutical products, namely, for the treatment of neurodermitis, acne, skinirritations, skin care problems; health-care products, namely, vitamins and dietary supplements; medicated lubricants; dietetic foods, namely, crackers,</p> |

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| | <p>sweets, yogurts adapted for medical use; sanitary preparations for medical use; vitamin preparations; disinfectants for hygiene purposes; royal jelly for medical purposes; herbal teas for medicinal purposes; natural remedy preparations, namely, corn remedies for the treatment of hormonal and chemical imbalances, sleep disorders, skin care problems; headache pencils; lactose for medical purposes; milkinggrease for medical purposes; dietetic substances and beverages for babies, infants and children, namely, baby food and electrolyte beverages for medical purposes; nutritional supplements that may contain proteins, glucides, lipids, peptides and/or fibres, or micronutrients such as vitamins and/or minerals and/or aminoacids and/or fatty acids and/or plants, and/or vegetable extracts and/or purified molecules extracted from vegetables, for beauty and skin, body, face, hair or nail care, in the form of capsules, tablets, ampules, yeast, powders, bars, creams or drinks, for medical and/or cosmetics and/or food purposes; nutritional additives for medical purposes in the nature of natural food extracts derived from meat, fish, poultry and game, meat extracts, fruit and canned vegetables, dried and cooked, jellies, jams, compotes, eggs, milk and milk products, edible oils and fats, for beauty and skin, body, face, hair or nail care in the form of capsules, tablets, vials, yeast, powders, bars, creams or beverages, for medical and/or cosmetics and/or food purposes; nutritional supplements that may contain coffee, tea, cocoa, sugar, rice, tapioca, sago, artificial coffee, flour and preparations made from cereals, bread, pastry and confectionary, ices, honey, treacle, yeast, baking powder, salt, mustard, vinegar, sauces, condiments, spices, ice, for beauty and skin, body, face, hair or nail care, in the form of capsules, tablets, ampules, yeast, powders, bars, creams or drinks, for medical and/or cosmetics and/or food purposes; nutritional additives for medical purposes in the nature of natural food extracts derived from agricultural, horticultural, forestry and seed products, fresh fruit and vegetables, seeds, plants and natural flowers, for beauty and skin, body, face, hair or nail care in the form of capsules, tablets, vials, yeast, powders, bars, creams or beverages, for medical and/or cosmetics and/or food purposes; nutritional additives for medical purposes in the nature of natural food extracts for beauty and skin, body, face, hair or nail care in the form of vials for drinking or beverages, for medical and/or cosmetics and/or food purposes</p> <p>Class 032. First use: First Use: 0 First Use In Commerce: 0 Anti-aging beverages, namely, beauty beverages, namely, energy drinks containing nutritional supplements</p> <p>Class 044. First use: First Use: 0 First Use In Commerce: 0 Medical services; medical clinics; health care services, namely, home health care services, managed health care services, and holistic health care services; hygienic and beauty care services; aromatherapy services; massage; manicuring; beauty salons, hairdressing salons; hygienic and beauty care; health care consultancy; operating of wellness equipment, namely, operating beauty salons and medical healing and thermal spas; consultancy in the field of hygienic and beauty care, in particular in the field of decorative cosmetics and anti-aging; nutrition consultation</p> |
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| Attachments | <p>77690979#TMSN.png(bytes) 77697439#TMSN.png(bytes) 85824482#TMSN.png(bytes) VALERA - Notice of Opposition.PDF(109877 bytes)</p> |
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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.

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| Signature | /Susan Neuberger Weller/ |
| Name | Susan Neuberger Weller |
| Date | 11/20/2015 |

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

In the matter of Application No. 86187819 for VALERA

Published in the Official Gazette July 28, 2015

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| LAVERANA GMBH & CO. KG, |) | |
| |) | |
| Opposer, |) | |
| |) | |
| vs. |) | |
| |) | Opposition No. _____ |
| MODERNA THERAPEUTICS, INC., |) | |
| |) | |
| Applicant. |) | |
| _____ |) | |

NOTICE OF OPPOSITION

Laverana GmbH & Co. KG (“Opposer”), a German limited partnership with a business address at Am Weingarten 4, Wennigsen, Germany, D-30974 believes that it will be damaged by registration of U.S. Application Serial No. 86187819 for the mark VALERA which seeks registration for:

IC 005.: Vaccines; pharmaceutical preparations, namely, nucleic acid preparations for the treatment and prevention of infectious diseases; medicines, namely, nucleic acid therapeutics for the treatment and prevention of infectious diseases; biological preparations, namely, nucleic acid preparations for the prevention and treatment of infectious diseases; biotherapeutics, namely, nucleic acid therapeutics for the prevention and treatment of infectious diseases; biosimilars in the nature of therapeutic agents, namely, nucleic acid therapeutics for the prevention and treatment of infectious diseases; vaccine adjuvants

IC 042.: Scientific research in the fields of immunopharmaceuticals and vaccines; scientific research in the fields of pharmaceuticals, medicine, biologics, bio therapeutics, biosimilars and therapeutics for the prevention and treatment of infections or diseases

and hereby opposes the same.

Pursuant to 15 U.S.C. §§ 1052, 1063, and 1141 of the Lanham Act, and 37 C.F.R. §§ 2.101 and 2.104, and predicated upon the following grounds, Opposer alleges the following:

1. Opposer is an international cosmetics and skincare company which manufactures and sells natural and organic products worldwide including in the U.S. Its U.S. web site is at www.lavera.com.

2. Opposer owns a family of LAVERA marks which includes, but is not limited to, U.S. Registration Nos. 2687717 (incontestable), 3874214, and 4230293 for the marks LAVERA and LAVERA BASIS SENSITV and U.S. trademark Application No. 85824482 for the mark LAVERA which are registered or seek registration for the following products and services:

Registration 2687717:

IC 003. Cosmetics, namely, face creams and lotions, skin cleansers, personal hygiene products, namely, shower gels, shampoos and body lotions, sun screen preparations; products for babies' and children's care, namely, bathing oils, shampoos, skin oils and creams; men's care products, namely, shaving cream, after-shave balms, shower shampoos and deodorants; hair lotions, dentifrices, perfume, foot creams and lotions; foot care products, namely, abrasive devices in the nature of pumice stones, rasps, or files for treating corns and calluses, non-medicated powders and liquids for bathing feet, and non-electric massage devices, specifically, devices designed for massaging feet; decorative cosmetics, namely, tinted moisturizing creams, makeup, compact face powders and rouges, cover-up sticks, lipsticks, eye-decorating pencils and mascara

Registration 3874214:

IC 003. Abrasive products for cosmetic use, namely, cloths, papers, pastes, rolls, and sand; after-shave products, namely, lotions, cologne, balms, creams, emulsions, and gels; shaving preparations, namely, creams, foams and gels; after-sun care products, namely, balms, creams, gels, lotions, milks, and oils; age-retardant products, namely, gels, creams, and lotions; age spot reducing creams; alcohol for cleaning purposes; antibacterial skin soaps; antiperspirants and deodorants for personal use; anti-aging products, namely, cleansers, creams, moisturizers, and toners; anti-wrinkle creams; aromatherapy body care products, namely, body lotions, shower gels, cuticle creams, shampoos, conditioners, non-medicated lip balms, soaps, body polish, body and foot scrub and non-medicated foot creams, oils, and sprays; baby skin and hair care products, namely, lotions, oils, powders, shampoos, hair conditioners, and wipes; bar soaps; bath and shower products, namely, gels, salts, mineral salts, beads, creams, crystals, fizzies, flakes, foams, herbs, lotions, milks, oils, pearls, bubble bath, powder, and soaps in liquid, solid or gel form not for medical purposes; beauty products, namely, creams, gels, lotions, masks, milks, and serums; bleaching preparations for cosmetic purposes; body and beauty care cosmetics, namely, body butter, body crayons, body creams, deodorant in pill form, body deodorants, body lotions, body mask creams, body mask lotions, body mask powder, body milks, body oils, sprays used as a personal deodorant and as fragrance, and body washes; breath fresheners and breath mints for use as a breath freshener; cleaners for cosmetic brushes; cleansing products, namely,

creams, milk, cloths or tissues impregnated with skin cleanser; cold creams. colognes and perfumes; color cosmetic products, namely, blush, blush pencils, chalk for cosmetic use, pencils, eyeliners, eye make-up, eye shadows, eyebrow cosmetics, face highlighters, rouges, lip liners, lipsticks, concealers for face and body, make-up, creamy face powder, glitter powder, pressed face powder, creamy foundation, foundation make-up, loose face powder, mascaras, and creamy rouges; cosmetic preparations, namely, cosmetic balls, creams, facial blotting papers, milks, oils, pads, preparations for skin renewal, preparations against sunburn, preparations for eye lashes, aerosols for skin care, sun-tan preparations, and sun-protecting preparations; eye skin care products, namely, creams, gels, lotions, masks, and make-up removers; facial skin care products, namely, creams, milks, lotions, night creams, powder, beauty masks, cleansers, creams, emulsions, scrubs, washes; hair care products, namely, conditioners, shampoos, hair dressing preparations, lotions, gels, mousse, balsams, oils, pomades, and sprays; hand skin care products, namely, cleaners, creams, soaps, lotions, and scrubs; lip care products, namely, balms, creams, and glosses; compacts containing make-up; cotton balls, buds, puffs, sticks, swabs, and wool for cosmetic purposes; dental care products, namely, dental bleaching gels, dentifrices, teeth cleaning lotions, and mouthwashes; nail care products, namely, cuticle conditioners, cuticle creams, lacquers, and glitter; depilatory preparations and substances; essential oils for personal use; exfoliant creams for skin and feet; perfumed and scented skin care products, namely, creams, powders, lotions, cream soaps, and soaps; feminine hygiene cleansing towelettes; foams containing cosmetics and sunscreens. foot care products, namely, deodorant sprays, non-medicated powders, and foot smoothing stones, impregnated cleaning pads impregnated with cosmetics, namely, indoor sun tanning preparations, SPF sunblock towelettes, pre-moistened cosmetic tissues, towelettes, and wipes; massage preparations, namely, creams, lotions, milks, and oils; skin moisturizing products, namely, creams, milks, and lotions; petroleum jelly for cosmetic purposes; skin clarifiers; skin cleansers; skin fresheners; wrinkle removing skin care preparations; wrinkle resistant creams; wrinkle-minimizing cosmetic preparations for topical facial use.

Registration 4230293:

IC 003: After-shave products, namely, lotions, cologne, balms, creams, emulsions, and gels; shaving preparations, namely, foams and gels; after-sun care products, namely, creams, gels, lotions, milks, and oils; age-retardant products, namely, gels, creams, and lotions; deodorants for personal use; anti-aging products, namely, cleansers, creams, moisturizers, and toners; anti-wrinkle creams; aromatherapy body care products, namely, body lotions, shower gels, shampoos, conditioners, non-medicated lip balms, soaps, body polish, body and foot scrub and non-medicated foot creams, oils, and sprays; baby skin and hair care products, namely, lotions, oils, powders, shampoos, hair conditioners; bath and shower products, namely, gels, salts, mineral salts, creams, lotions, oils, and soaps in liquid, or gel form not for medical purposes; beauty products, namely, creams, gels, lotions, masks, milks, and serums; body and beauty care cosmetics, namely, body creams, body deodorants, body lotions, body mask creams, body mask lotions, body milks, body oils, spray used as a personal deodorant and as fragrance, and body washes; cleansing products, namely, creams, milk; colognes and perfumes; color cosmetic products, namely, blush, blush pencils, chalk for cosmetic use, pencils, eyeliners, eye make-up,

eye shadows, eyebrow cosmetics, face highlighters, rouges, lip liners, lipsticks, concealers for face and body, make-up, creamy face powder, glitter powder, pressed face powder, creamy foundation, foundation make-up, loose face powder, mascaras, and creamy rouges; cosmetic preparations, namely, preparations against sunburn, sun-tan preparations, and sun-protecting preparations; eye skin care products, namely, creams, gels, lotions, masks, and make-up removers. facial skin care products, namely, creams, milks, lotions, night cream, beauty masks, cleansers, creams, emulsions, scrubs, washes; hair care products, namely, conditioners, shampoos, hair dressing preparations, lotions, gels, mousse, and sprays; hand skin care products, namely, cleaners, creams, soaps, lotions, and scrubs; lip care products, namely, balms, creams, and gloss; dental care products, namely, dentifrices; essential oils for personal use; exfoliant creams for skin; perfumed and scented skin care products, namely, creams, powder, lotions, cream soaps, and soaps; skin moisturizing products, namely, creams, milks, and lotions; skin clarifiers; skin cleansers; skin fresheners; wrinkle removing skin care preparations; wrinkle resistant creams; wrinkle-minimizing cosmetic preparations for topical facial use

Application SN 85824482:

IC 003: Non-medicated skin care preparations; beauty preparations, namely, cosmetics; non-medicated milks, tonics, lotions, creams, emulsions, and gels for the face and body; non-medicated cleansing preparations for the face and body; skin astringents for cosmetic purposes; body mist; non-medicated foot soaks, depilatory creams; pumice stones for personal use; soaps; bubble bath; shower creams and gels; non-medicated skin care preparations, namely, skin exfoliating products; make-up removing preparations for the face; talcum powder; shampoos; hair lotions, oils, conditioners and repair preparations; hair dyes; hair spray, gel and mousse; hair brighteners; hair mascaras; shaving creams and gels; after-shave gels and lotions; perfumery; deodorants for personal use; essential oils; bath beads; bath oils and salts; cosmetics; skin masks; foundation cream; blush; bronzing powder; make up powder; facial shimmer preparations; mascara; eyeliners; cosmetic eye and lip pencils; eye shadows; lip balms; lip gloss; lipsticks; makeup removing preparations; nail polish; nail forms; false nails; nail polish remover; cuticle creams; preparations for strengthening nails; non-medicated concealer sticks; body glitter; sun-tanning lotions and creams for the face and body; fake tan lotions and creams for the face and body; sunscreen creams; after sun lotions and creams for the face and body; Perfumes, eaux de toilette; bath and shower gels and salts not for medical purposes; toilet soaps; cosmetics, in particular creams, milks, lotions, gels and powders for the face, body and hands; cosmetics, namely, sun-tanning milks, gels and oils and after-sun preparations; make-up preparations; shampoos, gels, mousses, balms and preparations in aerosol form for hairdressing and hair care; hair lacquers; hair-coloring and hair-decolorizing preparations; preparations for waving and setting hair; cosmetics, decorative cosmetics; face creams and lotions; skin-cleansing lotions and creams, hand and body lotions and creams; tinted moisturizing creams, make-up, foundation, face powder and rouge; blemish stick, lip pencils, eyeliner pens and mascara, eye shadow; sun care preparations; foot-care preparations; foot creams and lotions; exfoliants for skin; abrasive implements in the form of pumice stones; non-medicated powders and lotions for foot spas; non-medicated body care products, namely, creams, lotions and polish; shower gels; hair

care products, namely, shampoos, hair lotions, conditioning rinses, conditioners, combined shampoo and conditioner, hair sprays, styling mousse and gels; hair dyes; baby and infant care products, namely, baby creams, baby shampoos, and baby toothpaste; bath oils; skin oils and creams; anti-wrinkle creams; massage oils; grooming products for men, namely, shaving cream, after-shave balms; products for oral hygiene, not for medical purposes, namely, toothpaste; preparations for the mouth and for cleaning the mouth, breath-freshening and mouth-freshening preparations, namely, mouth sprays, mouth rinses, dentifrices, and toothpaste; antiperspirants

IC 005: Pharmaceutical products, namely, for the treatment of neurodermitis, acne, skin irritations, skin care problems; health-care products, namely, vitamins and dietary supplements; medicated lubricants; dietetic foods, namely, crackers, sweets, yogurts adapted for medical use; sanitary preparations for medical use; vitamin preparations; disinfectants for hygiene purposes; royal jelly for medical purposes; herbal teas for medicinal purposes; natural remedy preparations, namely, corn remedies for the treatment of hormonal and chemical imbalances, sleep disorders, skin care problems; headache pencils; lactose for medical purposes; milking grease for medical purposes; dietetic substances and beverages for babies, infants and children, namely, baby food and electrolyte beverages for medical purposes; nutritional supplements that may contain proteins, glucides, lipids, peptides and/or fibres, or micronutrients such as vitamins and/or minerals and/or amino acids and/or fatty acids and/or plants, and/or vegetable extracts and/or purified molecules extracted from vegetables, for beauty and skin, body, face, hair or nail care, in the form of capsules, tablets, ampules, yeast, powders, bars, creams or drinks, for medical and/or cosmetics and/or food purposes; nutritional additives for medical purposes in the nature of natural food extracts derived from meat, fish, poultry and game, meat extracts, fruit and canned vegetables, dried and cooked, jellies, jams, compotes, eggs, milk and milk products, edible oils and fats, for beauty and skin, body, face, hair or nail care in the form of capsules, tablets, vials, yeast, powders, bars, creams or beverages, for medical and/or cosmetics and/or food purposes. nutritional supplements that may contain coffee, tea, cocoa, sugar, rice, tapioca, sago, artificial coffee, flour and preparations made from cereals, bread, pastry and confectionary, ices, honey, treacle, yeast, baking powder, salt, mustard, vinegar, sauces, condiments, spices, ice, for beauty and skin, body, face, hair or nail care, in the form of capsules, tablets, ampules, yeast, powders, bars, creams or drinks, for medical and/or cosmetics and/or food purposes; nutritional additives for medical purposes in the nature of natural food extracts derived from agricultural, horticultural, forestry and seed products, fresh fruit and vegetables, seeds, plants and natural flowers, for beauty and skin, body, face, hair or nail care in the form of capsules, tablets, vials, yeast, powders, bars, creams or beverages, for medical and/or cosmetics and/or food purposes; nutritional additives for medical purposes in the nature of natural food extracts for beauty and skin, body, face, hair or nail care in the form of vials for drinking or beverages, for medical and/or cosmetics and/or food purposes

IC 032: Anti-aging beverages, namely, beauty beverages, namely, energy drinks containing nutritional supplements

IC 044: Medical services; medical clinics; health care services, namely, home health care services, managed health care services, and holistic health care services; hygienic and beauty care services; aromatherapy services; massage; manicuring; beauty salons, hairdressing salons; hygienic and beauty care; health care consultancy; operating of wellness equipment, namely operating beauty salons and medical healing and thermal spas; consultancy in the field of hygienic and beauty care, in particular in the field of decorative cosmetics and anti-ageing; nutrition consultation

Copies of the three US Certificates of Registration, Sections 8 & 15 and Sections 8 & 9 acceptance documents, and the USPTO TESS printout for the pending Application are attached hereto and incorporated herein by reference as Exhibit A. (“Opposer’s Family of LAVERA Marks”).

3. Upon information and belief, Moderna Therapeutics, Inc. (“Applicant”) is a Delaware corporation with an address at 200 Technology Square, Cambridge, MA 02139, and seeks to register the mark VALERA for:

IC 005.: Vaccines; pharmaceutical preparations, namely, nucleic acid preparations for the treatment and prevention of infectious diseases; medicines, namely, nucleic acid therapeutics for the treatment and prevention of infectious diseases; biological preparations, namely, nucleic acid preparations for the prevention and treatment of infectious diseases; biotherapeutics, namely, nucleic acid therapeutics for the prevention and treatment of infectious diseases; biosimilars in the nature of therapeutic agents, namely, nucleic acid therapeutics for the prevention and treatment of infectious diseases; vaccine adjuvants

IC 042.: Scientific research in the fields of immunopharmaceuticals and vaccines; scientific research in the fields of pharmaceuticals, medicine, biologics, bio therapeutics, biosimilars and therapeutics for the prevention and treatment of infections or diseases

pursuant to U.S. Application Serial No. 86187819 filed on February 7, 2014 under Section 1(b) of the U.S. Trademark Act (“Applicant’s Mark” or “Applicant’s Application”).

4. Applicant’s Mark VALERA is confusingly similar to Opposer’s Family of LAVERA Marks and when used on the goods and services set forth in Applicant’s Application is likely to cause confusion and mistake and to deceive purchasers and potential purchasers of Applicant’s goods and services and Opposer’s goods and/or services into erroneously believing that there is some relationship between Opposer and Applicant, or that Opposer has authorized, sponsored, or licensed Applicant’s use of the mark VALERA in violation of 15 U.S.C. § 1052(d).

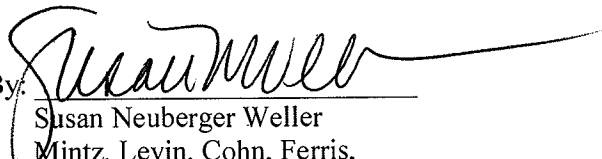
5. Opposer has used its Family of LAVERA Marks for over twenty five years throughout the world and in the U.S. since, at least, 2004. Opposer has established a well known reputation under its Family of LAVERA Marks in the same market in which and to the same customers to which Applicant does or will market and sell its goods and services. Thus, it is highly likely that confusion will occur between the two marks at issue.

6. Registration of Applicant's Mark will damage Opposer since such registration will give color of exclusive statutory rights to Applicant in the mark VALERA in derogation and violation of the prior and superior federal rights of Opposer.

WHEREFORE, Opposer Laverana GmbH & Co. KG believes that it will be damaged by the registration of U.S. Application Serial No. 86187819 for the mark VALERA in Classes 5 and 42 and, therefore, respectfully requests that the Trademark Trial and Appeal Board refuse registration of Applicant's Mark under 15 U.S.C. §1052(d).

Respectfully submitted,

LAVERANA GMBH & CO. KG

By: 
Susan Neuberger Weller
Mintz, Levin, Cohn, Ferris,
Glovsky and Popeo, P.C.
701 Pennsylvania Avenue, N.W.
Suite 900
Washington, D.C. 20004
Telephone: (202) 585-3510
Facsimile: (202) 434-7400
E-mail: snweller@mintz.com

Attorney for Opposer
LAVERANA GmbH & Co. KG

Dated: November 20, 2015

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing NOTICE OF OPPOSITION was served by U.S. first class mail, postage prepaid, on this 20 day of November, 2015 on the following:

*Jennifer F. Bryan
DT Ward PC
142 Main St #A
Groton, MA 01450-4267
Attorneys of Record for Applicant*

_____/Shelly Gause/_____
Shelly Gause

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