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

Proceeding	91250766
Party	Defendant IPSEN Pharma S.A.S.
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Atty Ref.: 118.0905

**HELIX OPCO, LLC,**

Opposer,

v.

**IPSEN PHARMA S.A.S.,**

Applicant.

**Opposition No. 91250766**

Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, Virginia 22202-3513

Attn: **BOX TTAB NO FEE**

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**ANSWER**

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Applicant, IPSEN PHARMA S.A.S. (“Applicant” or “Ipsen”) **DENIES** all allegations of the NOTICE OF OPPOSITION unless specifically admitted herein. With respect to the first, unenumerated paragraph of the NOTICE OF OPPOSITION, Applicant **ADMITS** it is the owner of Application Serial No. 79237547 for goods and services in International Classes 5, 41, 42 and 44. As for the remaining allegations of the first, unenumerated paragraph, Applicant **DENIES** the same.

With respect to the stated grounds for opposition, Applicant responds to the enumerated paragraphs of the NOTICE OF OPPOSITION as follows:

1. Applicant is without knowledge or information sufficient to admit or deny the allegation(s) contained in Paragraph 1 of the NOTICE OF OPPOSITION and, therefore, **DENIES** the same, and leaves Opposer to its proof.

2. Applicant is without knowledge or information sufficient to admit or deny the allegation(s) contained in Paragraph 2 of the NOTICE OF OPPOSITION and, therefore, **DENIES** the same, and leaves Opposer to its proof.

3. Applicant is without knowledge or information sufficient to admit or deny the allegation(s) contained in Paragraph 3 of the NOTICE OF OPPOSITION and, therefore, **DENIES** the same, and leaves Opposer to its proof.

4. Applicant is without knowledge or information sufficient to admit or deny the allegation(s) contained in Paragraph 4 of the NOTICE OF OPPOSITION and, therefore, **DENIES** the same, and leaves Opposer to its proof.

5. Applicant is without knowledge or information sufficient to admit or deny the allegation(s) contained in Paragraph 5 of the NOTICE OF OPPOSITION and, therefore, **DENIES** the same, and leaves Opposer to its proof.

6. Applicant **ADMITS** that the records of the U.S. Patent & Trademark Office show Opposer owns federal trademark Registration Nos. 5846056 and 5846086, but **DENIES** the underlying information submitted to the U.S. Patent & Trademark Office by Opposer in connection with those registrations.

7. Applicant **ADMITS** that the records of the U.S. Patent & Trademark Office reflect that federal trademark Registration Nos. 5846056 and 5846086 are active, but is without knowledge or information sufficient to admit or deny their validity and, therefore, **DENIES** this element of the allegation. Applicant is without knowledge or information sufficient to admit or deny the remaining allegation(s) of Paragraph 7 of the NOTICE OF OPPOSITION and, therefore, **DENIES** the same, and leaves Opposer to its proof.

8. Applicant **ADMITS** that the documents submitted in **EXHIBIT A** to the NOTICE OF OPPOSITION appear to be documents obtained from the U.S. Patent & Trademark Office.

9. Applicant **ADMITS** that the allegations of Paragraph 9 in the NOTICE OF OPPOSITION reflect the goods and services covered by Opposer's Registration Nos. 5846056 and 5846086.

10. As of the date of filing of this Answer, Applicant **DENIES** the allegations contained in Paragraph 10 of the NOTICE OF OPPOSITION.

11. Applicant **ADMITS** the allegations contained in Paragraph 11 of the NOTICE OF OPPOSITION.

12. Applicant is without knowledge or information sufficient to admit or deny the allegation(s) contained in Paragraph 12 of the NOTICE OF OPPOSITION and, therefore, **DENIES** the same, and leaves Opposer to its proof.

13. Applicant is without knowledge or information sufficient to admit or deny the allegation(s) contained in Paragraph 13 of the NOTICE OF OPPOSITION and, therefore, **DENIES** the same, and leaves Opposer to its proof.

14. Inasmuch as Applicant's priority filing date is October 31, 2017 and Opposer's date of first use anywhere is June 28, 2018 for at least some of its goods and services – eight months later, and Opposer's earliest date of first use is less than one year before Applicant's priority filing date of October 31, 2017, Applicant **DENIES** the allegations contained in Paragraph 14 of the NOTICE OF OPPOSITION.

15. Inasmuch as Applicant's priority filing date is October 31, 2017 and Opposer's date of first use anywhere is June 28, 2018 for at least some of its goods and services – eight months later, and Opposer's earliest date of first use is less than one year before Applicant's priority filing date of October 31, 2017, Applicant **DENIES** the allegations contained in Paragraph 15 of the NOTICE OF OPPOSITION.

16. Applicant **ADMITS** the allegations contained in Paragraph 16 of the NOTICE OF OPPOSITION.

17. Applicant **ADMITS** the allegations contained in Paragraph 17 of the NOTICE OF OPPOSITION.

18. Applicant **ADMITS** that its priority date of October 31, 2017 is 100 days after Opposer's filing date.

19. Applicant **DENIES** the allegations contained in Paragraph 19 of the NOTICE OF OPPOSITION.

20. Applicant **DENIES** the allegations contained in Paragraph 20 of the NOTICE OF OPPOSITION.

21. Applicant **DENIES** the allegations contained in Paragraph 21 of the NOTICE OF OPPOSITION, and leaves Opposer to its proof.

22. Applicant **DENIES** the allegations contained in Paragraph 22 of the NOTICE OF OPPOSITION.

23. Paragraph 23 of the NOTICE OF OPPOSITION does not require an answer.

24. Applicant **DENIES** the allegations contained in Paragraph 24 of the NOTICE OF OPPOSITION.

25. Applicant **DENIES** the allegations contained in Paragraph 25 of the NOTICE OF OPPOSITION.

26. Applicant **DENIES** the allegations contained in Paragraph 26 of the NOTICE OF OPPOSITION.

WHEREFORE, Applicant prays that the Board dismiss Opposer's claims with prejudice, and that Applicant be granted such other and further relief as this Board deems just and proper.

Dated: March 17, 2020  
Fort Lauderdale, Florida

**LOMBARD & GELIEBTER LLP**

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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of Applicant's ANSWER was served on Opposer's attorney of record by email at the following email address(es) of record on this 17<sup>th</sup> day of March 2020:

jgekas@foley.com,  
econolly@foley.com,  
jrodriguez@foley.com, and  
ipdocketing@foley.com.

  
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G. Mathew Lombard