

ESTTA Tracking number: **ESTTA1030282**

Filing date: **01/21/2020**

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	Neurocrine Biosciences, Inc.
Granted to Date of previous extension	01/19/2020
Address	12780 EL CAMINO REAL SAN DIEGO, CA 92130 UNITED STATES

Attorney information	DAVID DONAHUE FROSS ZELNICK LEHRMAN & ZISSU, P.C. 151 WEST 42ND STREET, 17TH FLOOR NEW YORK, NY 10036 UNITED STATES ddonahue@fzlj.com, ttabfiling@fzlj.com 212-813-5900
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**Applicant Information**

Application No	88372841	Publication date	07/23/2019
Opposition Filing Date	01/21/2020	Opposition Period Ends	01/19/2020
Applicant	Aclaris Therapeutics, Inc. Suite 200 640 Lee Road Wayne, PA 19087 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 042. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Research and development of pharmaceutical preparations, products and technology in the fields of dermatology; providing medical and scientific research information in the fields of dermatology, pharmaceuticals and clinical trials; drug discovery services
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**Grounds for Opposition**

Priority and likelihood of confusion	Trademark Act Section 2(d)
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**Mark Cited by Opposer as Basis for Opposition**

U.S. Application/ Registration No.	NONE	Application Date	NONE
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Registration Date	NONE
Word Mark	KINECT
Goods/Services	Conducting clinical trials and providing medical information, namely, reporting on clinical trials.

Attachments	Notice of Opposition KINECT.PDF(13501 bytes )
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Signature	/David Donahue/
Name	DAVID DONAHUE
Date	01/21/2020

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

NEUROCRINE BIOSCIENCES, INC.,

Opposer,

-against-

ACLARIS THERAPEUTICS, INC.,

Applicant.

**NOTICE OF OPPOSITION**

Opposer, Neurocrine Biosciences, Inc., a corporation organized under the laws of Delaware and having an office and principal place of business in San Diego, California (“Opposer”), believes that it would be damaged by the registration of the trademark KINect applied for in Application Serial No. 88/372,841, filed on April 5, 2019, for services in International Class 42 by Aclaris Therapeutics, Inc. (“Applicant”). As grounds for the opposition, Opposer alleges as follows:

1. Opposer is a biopharmaceutical company with more than 25 years of experience discovering and developing life-changing treatments for people with serious, challenging and under-addressed disorders.
2. For many years, Opposer has used the KINECT trademark and variants thereof (collectively, “Opposer’s Marks”) in the United States for conducting clinical trials and providing medical information, namely, reporting on clinical trials.
3. As a result of Opposer’s use, Opposer’s Marks have become strong trademarks identifying Opposer’s services exclusively. As such, Opposer’s Marks represent enormous goodwill and are extremely valuable assets of Opposer.

4. Upon information and belief, Applicant is a corporation incorporated under the laws of Delaware with a place of business in Wayne, Pennsylvania.

5. On December 19, 2018, Applicant filed Application Serial No. 88/372,841 (the “Application”) to register the mark KINect for the following services in International Class 42 based on Applicant’s stated intention to use the mark pursuant to Section 1(b) of the Lanham Act, 15 U.S.C. § 1051(b):

Research and development of pharmaceutical preparations, products and technology in the fields of dermatology; providing medical and scientific research information in the fields of dermatology, pharmaceuticals and clinical trials; drug discovery services.

6. Opposer obtained rights in Opposer’s Marks before Applicant filed the Application.

7. The applied-for mark is confusingly similar to Opposer’s Marks. Applicant’s use and registration of the mark in connection with the services identified in its application is likely to cause confusion, cause mistake or to deceive consumers to falsely believe that Applicant’s services emanate from or otherwise are authorized, sponsored by, or affiliated with Opposer, in violation of Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

8. By reason of the foregoing, Opposer will be harmed by registration of Applicant’s KINect mark.

WHEREFORE, it is respectfully requested that this opposition be sustained and that the registration sought by Application Serial No. 88/372,841 be denied.

Dated: January 21, 2020  
New York, New York

FROSS ZELNICK LEHRMAN & ZISSU, P.C.

By: /David Donahue/  
David Donahue (ddonahue@fzlj.com)  
151 West 42nd Street, 17th Floor  
New York, New York 10036  
(212) 813-5900

*Attorneys for Opposer*