

ESTTA Tracking number: **ESTTA1072339**

Filing date: **08/03/2020**

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	Novartis AG
Granted to Date of previous extension	08/02/2020
Address	CH-4002 BASEL, 0 SWITZERLAND

Attorney information	RICARDO FISCHER ARENT FOX LLP 1717 K ST NW WASHINGTON, DC 20006-5344 UNITED STATES Primary Email: tmdocket@arentfox.com Secondary Email(s): ricardo.fischer@arentfox.com , danielle.bulger@arentfox.com , jimeelah.berryman@arentfox.com (202)857-6000
Docket Number	

Applicant Information

Application No.	88626520	Publication date	02/04/2020
Opposition Filing Date	08/03/2020	Opposition Period Ends	08/02/2020
Applicant	Novis Health Systems, LLC 19590 MAINSTREET, SUITE 101 PARKER, CO 80138 UNITED STATES		

Goods/Services Affected by Opposition

Class 035. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Franchise services, namely, offering business management assistance in the establishment and operation of medical care practices
Class 044. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Medical services

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
Dilution by blurring	Trademark Act Sections 2 and 43(c)
Dilution by tarnishment	Trademark Act Sections 2 and 43(c)

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	2336960	Application Date	07/09/1996
Registration Date	04/04/2000	Foreign Priority Date	02/15/1996
Word Mark	NOVARTIS		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 001. First use: First Use: 0 First Use In Commerce: 0 [chemicals and chemical preparations for use in industry, agriculture, horticulture and forestry, namely, chemicals for use in manufacturing optical lenses; Adjuvants for use in manufacturing agricultural preparations; Adjuvants for use in manufacturing pharmaceutical preparations; Chemical additives for use in manufacturing - pharmaceutical preparations, defoliants, wound pastes for trees and plants, plant growth regulators, preparations for the treatment of seeds, preparations for the protection of seeds and plants against plant pathogens, plant protection agents of a prophylactic nature; and Manures]</p> <p>Class 005. First use: First Use: 0 First Use In Commerce: 0 pharmaceutical preparations for the treatment of - dermatological, cardiovascular, hematological, bone, respiratory, central nervous system, endocrinological, circulatory, gastroenterological, hormonal and diabetic disorders,[coughs, colds, influenza,] headaches, stomach [anddigestive]disorders, muscular and/or rheumatic disorders, [anti-inflammatory agents, immune system disorders] and related diseases, allergic reactions, metabolic disorders, anti-infectives, ocular disorders, and for use in oncology [;diagnostic preparations and/or reagentsfor clinical or medical laboratory use;Contact lens and eyecare solutions and preparations, namely, disinfectants, cleaning solutions, saline solutions and wetting solutions; Nicotine for medicinal purposes in liquid, pill, tablet, caplet, powder or transdermal patch form;] [Hormones;] [Dietetic substances for medical purposes, namely, nutritional, vitamin,] [herbal and] [mineral supplements and preparations, nutritional drinkmix for use as a meal replacement,] [nutritional supplements in snack bar form for use as a meal replacement;] [Food and beverages for][babies,] [infants and invalids, namely,] [baby food, infant formula,] [food for enteral administration and food for medically restricted diets; and][Pesticides,] [fungicides,] [herbicides] [and insecticides, all for commercial,][agricultural] [and/or domestic use]</p> <p>Class 009. First use: First Use: 0 First Use In Commerce: 0 [contact lenses; Eyeglasses; Sunglasses; and Optical lenses not for medical use]</p> <p>Class 010. First use: First Use: 0 First Use In Commerce: 0 [artificial or biological skin tissue for subsequent implantation; Intraocularlenses]</p> <p>Class 029. First use: First Use: 0 First Use In Commerce: 0 [prepared entrees consisting primarilyof meat, fish, poultry, game and/or vegetables; Meat extracts; Preserved, dried, frozen or cooked fruits and vegetables; Jams and fruit or vegetable preserves;Fruit-based snack foods; Fruit toppings; Dairy products, excluding ice cream, ice milk and frozen yogurt; Milk]</p> <p>Class 030. First use: First Use: 0 First Use In Commerce: 0 [ready to eat snack bars made from combinations of cereal, fruit, grains and nuts; Breakfast and processed cereals; Cereal based snack foods; Bread; Biscuits;Chocolate; Candy; Cocoa; Sugar; Tapioca; Sago; Rusks; Desserts, namely, cakes and puddings; Malt for food purposes; Icecream, frozen yogurt,</p>		

	<p>ice milk and ice cream substitute; Chocolate syrup; Corn syrup; and Food additives for non-nutritional purposes for use as a flavoring, ingredient or filler]</p> <p>Class 031. First use: First Use: 0 First Use In Commerce: 0</p> <p>[bran, cereal and protein based foodstuffs for animals; Vegetable, fruit and flower seeds for agricultural and horticultural purposes; Fresh fruits and vegetables; Living plants and live flowers]</p> <p>Class 032. First use: First Use: 0 First Use In Commerce: 0</p> <p>[non-alcoholic beverages, namely, softdrinks, fruit drinks, fruit juices; Concentrates, syrups or powders used in thepreparation of soft drinks; and Fruit syrups used in the preparation of soft drinks]</p> <p>Class 042. First use: First Use: 0 First Use In Commerce: 0</p> <p>[engineering services; plant, tree andseed breeding services; Horticultural services; Printing; and Material testing]</p>
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U.S. Registration No.	4986124	Application Date	09/12/2013
Registration Date	06/28/2016	Foreign Priority Date	NONE
Word Mark	NOVARTIS		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 005. First use: First Use: 1996/00/00 First Use In Commerce: 1996/00/00 Pharmaceutical preparations for use in oncology; pharmaceutical preparations for the treatment or prevention of dermatological, cardiovascular, hematological, bone, respiratory, central nervous system, endocrinological, circulatory, gastroenterological, stomach, digestive, hormonal, diabetic, muscular, rheumatic, immune system, ocular and metabolic diseasesand disorders; pharmaceuticals to treator prevent diabetes, coughs, colds, influenza, headaches and allergic reactions; anti-infectives; anti-inflammatories; vaccines; dietetic substances for medical purposes, namely, nutritional, vitaminand mineral supplements and preparations; animal feed additive for use as a nutritional supplement for medical purposes; disinfectants for veterinary use; insecticides; pesticides; fungicides; rodenticides</p> <p>Class 009. First use: First Use: 2013/08/00 First Use In Commerce: 2013/08/00 Downloadable software for the facilitation of communication, namely, allowing patients and healthcare professionals to access and share information in the medical, pharmaceutical and health fields; downloadable software in the nature of a mobile application for facilitation of communication, namely, allowing patients and healthcare professionals to access and share information in the medical, pharmaceutical and health fields</p> <p>Class 010. First use: First Use: 2013/03/00 First Use In Commerce: 2013/03/00 Medical apparatus for treating respiratory conditions; medical apparatus, namely, electric vaporizer for upper respiratory conditions; vaporizers for medical purposes</p> <p>Class 041. First use: First Use: 2011/03/09 First Use In Commerce: 2011/03/09 Educational services, namely, conducting classes, seminars, conferences, and workshops in the field of cessation of smoking and helping people stop smoking anddistributing printed course materials in conjunction therewith; providing on-line journals, namely, blogs in the medical, pharmaceutical and health fields</p> <p>Class 042. First use: First Use: 2014/06/00 First Use In Commerce: 2014/06/00 Medical and pharmaceutical research services; pharmaceutical research and development</p>		

	<p>Class 044. First use: First Use: 2013/09/12 First Use In Commerce: 2013/09/12</p> <p>Providing a website featuring information in the medical and health fields; providing a website featuring information in the field of the diagnostic, prophylactic and therapeutic properties of pharmaceuticals; providing information in the medical field and information in the field of the diagnostic, prophylactic and therapeutic properties of pharmaceuticals; providing health information; providing patients with information in the medical field; providing health information, namely, providing data on geographic presence of influenza virus; veterinary services</p>
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U.S. Registration No.	5019807	Application Date	07/10/2015
Registration Date	08/16/2016	Foreign Priority Date	06/22/2015

Word Mark	NOVARTIS ACCESS
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Design Mark	
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Description of Mark	NONE
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Goods/Services	<p>Class 005. First use: First Use: 0 First Use In Commerce: 0</p> <p>Pharmaceutical products, namely, Anti-infectives; Anti-inflammatories; Antibacterial pharmaceuticals; Antibiotics; Antifungal preparations; Antivirals; Cardiovascular pharmaceuticals; Dermatological pharmaceutical products; Inhaled pharmaceutical preparations for the treatment of respiratory diseases and disorders; Pharmaceutical preparations acting on the central nervous system; Pharmaceutical preparations and substances for the treatment of gastro-intestinal diseases; Pharmaceutical preparations for the treatment and prevention of diseases and disorders of the autoimmune system, the metabolic system, the musculo-skeletal system and the genitourinary system; pharmaceutical preparations for use in hematology and in tissue and organ transplantation; Pharmaceutical preparations for the treatment of eye diseases and conditions; Pharmaceutical preparations for the treatment of heart rhythm disorders; Pharmaceutical preparations for the treatment of immune system related diseases and disorders; Pharmaceutical preparations for the treatment of kidney diseases; Pharmaceutical preparations for treating diabetes; Pharmaceutical preparations for treating hypertension; Pharmaceutical preparations for treating skin disorders; Pharmaceutical preparations for use in dermatology; Pharmaceutical preparations for use in urology; Pharmaceutical products for ophthalmological use; Pharmaceutical products for the prevention and treatment of cancer; Pharmaceutical products for the treatment of bone diseases; Pharmaceutical products for treating respiratory diseases; Pharmaceutical products for treating respiratory diseases and asthma</p> <p>Class 010. First use: First Use: 0 First Use In Commerce: 0</p> <p>Surgical apparatus and instruments; medical apparatus for introducing pharmaceutical preparations into the human body; medical apparatus for facilitating inhalation of pharmaceutical preparations; medical apparatus for monitoring vital signs of patients; medical diagnostic apparatus for detecting cancer; medical apparatus and instruments for diagnostic radio pharmaceutical use; artificial limbs, eyes and teeth; orthopedic articles, namely, bone repair paste for use in orthopedic surgery; suture material</p> <p>Class 035. First use: First Use: 0 First Use In Commerce: 0</p> <p>Retail store services and wholesale store services featuring pharmaceutical products and medicines; business consultancy services; business management; business administration; office functions; advertising; operation and management of a charity organization for others; all the aforesaid services relating to pharmaceutical products and medicines; retail store services featuring pharmaceutical products; provision of information and advice for consumers in connec-</p>
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	<p>tion with the selection of pharmaceutical products for acquisition Class 036. First use: First Use: 0 First Use In Commerce: 0 Charitable fundraising services by means of raising funds for medical research Class 041. First use: First Use: 0 First Use In Commerce: 0 Medical and sanitary training and teaching Class 044. First use: First Use: 0 First Use In Commerce: 0 Medical services; provision of information relating to medical services</p>
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U.S. Registration No.	5420583	Application Date	11/29/2016
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Registration Date	03/13/2018	Foreign Priority Date	NONE
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Word Mark	NOVARTIS		
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Design Mark			
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Description of Mark	NONE		
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Goods/Services	<p>Class 009. First use: First Use: 0 First Use In Commerce: 0 Apparatus for recording, transmission and reproduction of sound or images; digital media, in particular downloadable audio and video files containing information and comments in the fields of medicine, health, fitness, sports and wellness; computer hardware and computer software for sending, transmission and display of digital data in the field of medicine, health, fitness, sports and wellness; computer peripheral devices; interfaces for computers; tablet computers and personal digital assistants, particularly for use in connection with the fields of medicine, health, fitness, sports and wellness; mobile and handheld digital electronic devices for recording, organizing, transmitting, changing and revising audio files, texts, data and images, particularly for use in connection with the fields of medicine, health, sports fitness and wellness; software and application software for use on electronic telecommunication apparatus, particularly handheld-personal computers or tablet computers for use in collecting and storing patient data and medical information such as drug ingestion information, pulse, heart rate, respiratory rate, body temperature, electric pressure in the body, human motion, human position or sleeping condition; software for accessing, browsing and searching downloadable audio and video files, information and commentary available online from databases or the Internet; optical lenses; contact lenses; data communication apparatus that transmit data and information to databases Class 010. First use: First Use: 0 First Use In Commerce: 0 Artificial limbs, eyes and teeth; medical apparatus for introducing pharmaceutical preparations into the human body; inhalers for medical use sold empty; syringes for medical use; health monitoring devices consisting of blood pressure monitors, thermometers and pedometers Class 041. First use: First Use: 0 First Use In Commerce: 0 Education services, namely, providing classes, seminars and workshops in the fields of medicine, health, fitness, sports and wellness; training services in the fields of medicine, health, fitness, exercise and wellness; providing training on-line in the fields of medicine, health, fitness, exercise and wellness; organization of cultural and educational exhibitions; education services, namely, arranging and conducting of educational conferences, congresses, seminars, symposiums, lectures, lessons and training courses in the fields of health and medical information; providing on-line electronic publications, particularly newsletters and articles, not downloadable, in the fields of health and medical information; providing on-line instructional and informative videos, not downloadable, in the fields of health and medical information; arranging and conducting of non-virtual educational forums in the fields of health and medical information</p>		
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	<p>Class 042. First use: First Use: 0 First Use In Commerce: 0 Scientific and technological services, particularly scientific research and analysis, in the fields of medicine, health, fitness, exercise and wellness; design and development of computers and software; chemical analysis; chemical research; software development; scientific laboratory services; technical support services, particularly troubleshooting of software problems; provision of information relating to medical and scientific research in the field of pharmaceutical products; software programming; application service provider (ASP), namely, hosting on-line computer software applications of others; hosting the web sites of others in the fields of medicine, health, fitness, exercise and wellness</p> <p>Class 044. First use: First Use: 0 First Use In Commerce: 0 Medical services; beauty consultation services provided by consultants in the field of body and beauty care; health care services, particularly wellness programs and disease management programs; medical assistance; providing health care information; medical and pharmaceutical consultation; medical imaging services</p> <p>Class 045. First use: First Use: 0 First Use In Commerce: 0 Providing emotional support to cancer patients and their families via interactive on-line forums; social networking services provided via the Internet</p>
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Attachments	Novartis v. Novis Health - Notice of Opposition with Exhibit - Filed - August 3, 2020.pdf(763724 bytes)
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Signature	/Danielle W. Bulger/
Name	Danielle W. Bulger
Date	08/03/2020

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

In re: Application Serial No. 88/626,520 for the mark NOVIS HEALTH, filed September 23, 2019 and published February 4, 2020.

_____)	
NOVARTIS AG)	
)	Serial No. 88/626,520
Opposer,)	
v.)	Mark: NOVIS HEALTH
)	
NOVIS HEALTH SYSTEMS, LLC)	Opposition No. _____
)	
Applicant.)	
_____)	

NOTICE OF OPPOSITION

Novartis AG (“Opposer”), a Aktiengesellschaft duly organized and existing under the laws of Switzerland, having a place of business at CH-4002 Basel, Switzerland, believes that it will be damaged by the registration of the mark shown in Application Serial No. 88/626,520 and hereby opposes the same under the provisions of Section 13 of the Trademark Act of 1946, 15 U.S.C. § 1063.

As grounds for opposition, Opposer alleges the following:

1. Opposer is the owner of all right, title, and interest in and to famous marks containing or comprised of NOVARTIS (collectively, the “NOVARTIS Marks”), which Opposer uses in connection, *inter alia*, with pharmaceutical products and medical services.

2. Opposer’s rights in the NOVARTIS Marks have been recognized by the United States Patent and Trademark Office (“USPTO”), which has published multiple applications and issued numerous federal registrations to Opposer for its NOVARTIS Marks, including the following representative examples:

Trademark	Registration No.	Registration/Application Date	Goods/Services
NOVARTIS	2336960	July 9, 1996	Pharmaceutical preparations for the treatment of – dermatological, cardiovascular, hematological, bone, respiratory, central nervous system, endocrinological, circulatory, gastroenterological, hormonal and diabetic disorders, headaches, stomach disorders, muscular and/or rheumatic disorders, and related diseases, allergic reactions, metabolic disorders, anti-infectives, ocular disorders, and for use in oncology
NOVARTIS	4986124	June 28, 2016	<p>Inter alia, pharmaceutical preparations for use in oncology; pharmaceutical preparations for the treatment or prevention of dermatological, cardiovascular, hematological, bone, respiratory, central nervous system, endocrinological, circulatory, gastroenterological, stomach, digestive, hormonal, diabetic, muscular, rheumatic, immune system, ocular and metabolic diseases and disorders...</p> <p>Providing a website featuring information in the medical and health fields; providing a website featuring information in the field of the diagnostic, prophylactic and therapeutic properties of pharmaceuticals; providing information in the medical field and information in the field of the diagnostic, prophylactic and therapeutic properties of pharmaceuticals; providing health information; providing patients with information in the medical field; providing health information, namely, providing data on geographic presence of influenza virus; veterinary services</p> <p>Medical and pharmaceutical research services; pharmaceutical research and development</p>
NOVARTIS ACCESS	5019807	August 16, 2016	Inter alia, pharmaceutical products, namely, Anti-infectives; Anti-inflammatories; Antibacterial pharmaceuticals;

Trademark	Registration No.	Registration/Application Date	Goods/Services
			Antibiotics; Antifungal preparations; Antivirals; Cardiovascular pharmaceuticals; Surgical apparatus and instruments; medical apparatus for introducing pharmaceutical preparations into the human body Retail store services and wholesale store services featuring pharmaceutical products and medicines; business consultancy services; business management; business administration; office functions; advertising; operation and management of a charity organization for others; all the aforesaid services relating to pharmaceutical products and medicines; retail store services featuring pharmaceutical products; provision of information and advice for consumers in connection with the selection of pharmaceutical products for acquisition services; provision of information relating to medical services
NOVARTIS	5420583	March 13, 2018	Inter alia, medical services; Providing emotional support to cancer patients and their families via interactive on-line forums; social networking services provided via the Internet

3. Opposer's registrations are valid and subsisting, and Registration No. 1922163 is incontestable. These registrations provide *prima facie* evidence, and the incontestable registration provides conclusive evidence, of Opposer's ownership of the NOVARTIS Marks, of the validity of the marks, and of Opposer's exclusive right to use the marks in commerce. Printouts concerning the pleaded registrations from the USPTO's TESS and assignment databases are attached hereto as Exhibit A.

4. Opposer has extensively used, advertised, and marketed one or more of its NOVARTIS Marks in interstate commerce, *inter alia*, in connection with medical goods and services since at least as early as 1997.

5. As a result of such extensive use, advertising, and marketing, Opposer's NOVARTIS Marks have become famous as distinctive indicators of the origin of Opposer's goods and services, and the marks have become extremely valuable symbols of Opposer's goodwill.

6. Notwithstanding Opposer's prior established rights in the NOVARTIS Marks, Applicant filed an application with the USPTO, on an intent-to-use basis, on September 23, 2019 for the mark NOVIS HEALTH (Application Ser. No. 88/626, 520), with HEALTH disclaimed, for "Franchise services, namely, offering business management assistance in the establishment and operation of medical care practices" in Class 35, and "Medical services" in Class 44.

7. Upon information and belief, Applicant knew or had reason to know of Opposer's prior rights in the NOVARTIS Marks when Applicant filed its application.

Count I – Likelihood of Confusion – §2(d)

8. The foregoing paragraphs of this Notice of Opposition are incorporated by reference as part of this Count.

9. The mark that Applicant seeks to register so closely resembles the NOVARTIS Marks that the use and registration thereof are likely to cause confusion, mistake, and deception as to the source or origin of Applicant's services and will injure and damage Opposer and the goodwill and reputation symbolized by the NOVARTIS Marks.

10. Applicant's alleged mark is substantially similar visually, aurally, and in overall commercial impression to one or more of Opposer's NOVARTIS Marks or the dominant portions thereof.

11. Any minor differences between Applicant's alleged mark and Opposer's NOVARTIS Marks are not likely to be perceived by the consuming public given the close similarities between Opposer's NOVARTIS Marks and Applicant's alleged mark.

12. Applicant's services are so closely related to Opposer's goods and services such that the public is likely to be confused, to be deceived, and to assume erroneously that Applicant's services are those of Opposer, or that Applicant is in some way connected or affiliated with, or approved or sponsored by, Opposer, all to Opposer's irreparable damage.

13. Likelihood of confusion is enhanced by the fame of Opposer's NOVARTIS Marks, such that consumers will assume erroneously that Applicant's alleged mark and the services offered thereunder are approved, or endorsed by Opposer.

14. Likelihood of confusion is enhanced by the fact that purchasers of Applicant's services are prospective purchasers of Opposer's goods and services, and vice versa.

15. Any minor differences between Applicant's alleged mark and Opposer's NOVARTIS Marks are not likely to be perceived by the consuming public given the close similarities between Opposer's NOVARTIS Marks and the Applicant's alleged mark.

Count II – Dilution – §43(c)

16. The foregoing paragraphs of this Notice of Opposition are incorporated by reference as part of this Count.

17. Opposer's inherently distinctive NOVARTIS Marks have been widely used and advertised in the United States and internationally for many years.

18. A substantial volume of medicines and related services have been sold under Opposer's NOVARTIS Marks throughout the United States and internationally.

19. The extent of consumer recognition of Opposer's NOVARTIS Marks is substantial in both the United States and internationally.

20. Because of the extensive use and advertising of Opposer's NOVARTIS Marks, the substantial sales of products under the NOVARTIS Marks, and the recognition of the NOVARTIS Marks by the consuming public, Opposer's NOVARTIS Marks have become famous as distinctive symbols of Opposer's goodwill.

21. Applicant has filed for, and intends to make use in commerce of, a mark that is confusingly similar to one or more of Opposer's famous NOVARTIS Marks.

22. Applicant's use will begin long after Opposer's NOVARTIS Marks became famous.

23. Applicant's alleged mark is likely to cause, and will cause, dilution of the distinctive qualities of Opposer's NOVARTIS Marks by blurring and tarnishment.

24. Use or registration of Applicant's alleged mark will lessen the capacity of Opposer's famous NOVARTIS Marks to identify and distinguish Opposer's goods and services.

25. Likelihood of dilution is enhanced by the fact that the Applicant's mark is similar in appearance, sound, and overall commercial impression to Opposer's NOVARTIS Marks or the dominant portions thereof.

26. Applicant's use or registration of Applicant's alleged mark will deprive Opposer of the ability to protect its reputation, persona, and goodwill.

27. Applicant's use or registration of Applicant's alleged mark will blur and tarnish the goodwill symbolized by Opposer's NOVARTIS Marks.

28. Likelihood of tarnishment and damage to Opposer's goodwill are enhanced by the fact that prospective customers who encounter imperfections in the quality of Applicant's

services will attribute imperfections to Opposer, and this will tarnish Opposer's reputation and goodwill.

29. By reason of the foregoing, Opposer will be damaged by the registration of Applicant's alleged mark, and registration should be refused.

WHEREFORE, Opposer respectfully requests that the registration sought by Applicant be refused and that this Opposition be sustained.

NOVARTIS AG

Dated: August 3, 2020

By: /s/ Danielle W. Bulger
Ricardo Fischer
Danielle W. Bulger
Arent Fox LLP
1717 K St. NW
Washington, D.C. 20006
(202) 857-6000

Attorneys for Opposer
Novartis AG

EXHIBIT A - NOVARTIS



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NOVARTIS

Word Mark NOVARTIS

Goods and Services (CANCELLED) IC 001. US 001 005 006 010 026 046. G & S: [chemicals and chemical preparations for use in industry, agriculture, horticulture and forestry, namely, chemicals for use in manufacturing optical lenses; Adjuvants for use in manufacturing agricultural preparations; Adjuvants for use in manufacturing pharmaceutical preparations; Chemical additives for use in manufacturing - pharmaceutical preparations, defoliants, wound pastes for trees and plants, plant growth regulators, preparations for the treatment of seeds, preparations for the protection of seeds and plants against plant pathogens, plant protection agents of a prophylactic nature; and Manures]

IC 005. US 006 018 044 046 051 052. G & S: pharmaceutical preparations for the treatment of - dermatological, cardiovascular, hematological, bone, respiratory, central nervous system, endocrinological, circulatory, gastroenterological, hormonal and diabetic disorders,[coughs, colds, influenza,] headaches, stomach [and digestive]disorders, muscular and/or rheumatic disorders, [anti-inflammatory agents, immune system disorders] and related diseases, allergic reactions, metabolic disorders, anti-infectives, ocular disorders, and for use in oncology [; diagnostic preparations and/or reagents for clinical or medical laboratory use; Contact lens and eyecare solutions and preparations, namely, disinfectants, cleaning solutions, saline solutions and wetting solutions; Nicotine for medicinal purposes in liquid, pill, tablet, caplet, powder or transdermal patch form;] [Hormones;] [Dietetic substances for medical purposes, namely, nutritional, vitamin,] [herbal and] [mineral supplements and preparations, nutritional drink mix for use as a meal replacement,] [nutritional supplements in snack bar form for use as a meal replacement;] [Food and beverages for][babies,] [infants and invalids, namely,] [baby food, infant formula,] [food for enteral administration and food for medically restricted diets; and][Pesticides,] [fungicides,] [herbicides] [and insecticides, all for commercial,][agricultural] [and/or domestic use]

(CANCELLED) IC 009. US 021 023 026 036 038. G & S: [contact lenses; Eyeglasses; Sunglasses; and Optical lenses not for medical use]

(CANCELLED) IC 010. US 026 039 044. G & S: [artificial or biological skin tissue for subsequent implantation; Intraocular lenses]

(CANCELLED) IC 029. US 046. G & S: [prepared entrees consisting primarily of meat, fish, poultry, game and/or vegetables; Meat extracts; Preserved, dried, frozen or cooked fruits and vegetables; Jams and fruit or vegetable preserves; Fruit-based snack foods; Fruit toppings; Dairy products, excluding ice cream, ice milk and frozen yogurt; Milk]

(CANCELLED) IC 030. US 046. G & S: [ready to eat snack bars made from combinations of cereal, fruit, grains and nuts; Breakfast and processed cereals; Cereal based snack foods; Bread; Biscuits; Chocolate; Candy; Cocoa; Sugar; Tapioca; Sago; Rusks; Desserts, namely, cakes and puddings; Malt for food purposes; Ice cream, frozen yogurt, ice milk and ice cream substitute; Chocolate syrup; Corn syrup; and Food additives for non-nutritional purposes for use as a flavoring, ingredient or filler]

(CANCELLED) IC 031. US 001 046. G & S: [bran, cereal and protein based foodstuffs for animals; Vegetable, fruit and flower seeds for agricultural and horticultural purposes; Fresh fruits and vegetables; Living plants and live flowers]

(CANCELLED) IC 032. US 045 046 048. G & S: [non-alcoholic beverages, namely, soft drinks, fruit drinks, fruit juices; Concentrates, syrups or powders used in the preparation of soft drinks; and Fruit syrups used in the preparation of soft drinks]

(CANCELLED) IC 042. US 100 101. G & S: [engineering services; plant, tree and seed breeding services; Horticultural services; Printing; and Material testing]

Mark Drawing Code (1) TYPED DRAWING

Serial Number 75131409

Filing Date July 9, 1996

Current Basis 44E

Original Filing Basis 44D

Published for Opposition July 28, 1998

Change In Registration CHANGE IN REGISTRATION HAS OCCURRED

Registration Number 2336960

Registration Date April 4, 2000

Owner (REGISTRANT) NOVARTIS AG CORPORATION SWITZERLAND CH-4002 Basel SWITZERLAND 4002

Attorney of Record Maury M. Tepper, III

Priority Date February 15, 1996

Type of Mark TRADEMARK. SERVICE MARK

Register PRINCIPAL

Affidavit Text SECT 15. PARTIAL SECT 8 (6-YR). SECTION 8(10-YR) 20200615.

Renewal 2ND RENEWAL 20200615

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NOVARTIS

Word Mark NOVARTIS

Goods and Services IC 005. US 006 018 044 046 051 052. G & S: Pharmaceutical preparations for use in oncology; pharmaceutical preparations for the treatment or prevention of dermatological, cardiovascular, hematological, bone, respiratory, central nervous system, endocrinological, circulatory, gastroenterological, stomach, digestive, hormonal, diabetic, muscular, rheumatic, immune system, ocular and metabolic diseases and disorders; pharmaceuticals to treat or prevent diabetes, coughs, colds, influenza, headaches and allergic reactions; anti-infectives; anti-inflammatories; vaccines; dietetic substances for medical purposes, namely, nutritional, vitamin and mineral supplements and preparations; animal feed additive for use as a nutritional supplement for medical purposes; disinfectants for veterinary use; insecticides; pesticides; fungicides; rodenticides. FIRST USE: 19960000. FIRST USE IN COMMERCE: 19960000

IC 009. US 021 023 026 036 038. G & S: Downloadable software for the facilitation of communication, namely, allowing patients and healthcare professionals to access and share information in the medical, pharmaceutical and health fields; downloadable software in the nature of a mobile application for facilitation of communication, namely, allowing patients and healthcare professionals to access and share information in the medical, pharmaceutical and health fields. FIRST USE: 20130800. FIRST USE IN COMMERCE: 20130800

IC 010. US 026 039 044. G & S: Medical apparatus for treating respiratory conditions; medical apparatus, namely, electric vaporizer for upper respiratory conditions; vaporizers for medical purposes. FIRST USE: 20130300. FIRST USE IN COMMERCE: 20130300

IC 041. US 100 101 107. G & S: Educational services, namely, conducting classes, seminars, conferences, and workshops in the field of cessation of smoking and helping people stop smoking and distributing printed course materials in conjunction therewith; providing on-line journals, namely, blogs in the medical, pharmaceutical and health fields. FIRST USE: 20110309. FIRST USE IN COMMERCE: 20110309

IC 042. US 100 101. G & S: Medical and pharmaceutical research services; pharmaceutical research and development. FIRST USE: 20140600. FIRST USE IN COMMERCE: 20140600

IC 044. US 100 101. G & S: Providing a website featuring information in the medical and health fields; providing a website featuring information in the field of the diagnostic, prophylactic and therapeutic properties of pharmaceuticals; providing information in the medical field and information in the field of the diagnostic, prophylactic and therapeutic properties of pharmaceuticals; providing health information; providing patients with information in the medical field; providing health information, namely, providing data on geographic presence of influenza virus; veterinary services. FIRST USE: 20130912. FIRST USE IN COMMERCE: 20130912

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 86063136

Filing Date September 12, 2013

Current Basis 1A

Original Filing Basis 1A

Published for Opposition April 12, 2016

Registration Number **4986124**

Registration Date June 28, 2016

Owner (REGISTRANT) Novartis AG CORPORATION SWITZERLAND CH-4002 Basel SWITZERLAND 4002

Attorney of Record Maury M. Tepper, III

Prior Registrations 2336960;2997235

Description of Mark Color is not claimed as a feature of the mark.

Type of Mark TRADEMARK. SERVICE MARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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For Serial Number: 86063136

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NOVARTIS ACCESS

Word Mark NOVARTIS ACCESS

Goods and Services IC 005. US 006 018 044 046 051 052. G & S: Pharmaceutical products, namely, Anti-infectives; Anti-inflammatories; Antibacterial pharmaceuticals; Antibiotics; Antifungal preparations; Antivirals; Cardiovascular pharmaceuticals; Dermatological pharmaceutical products; Inhaled pharmaceutical preparations for the treatment of respiratory diseases and disorders; Pharmaceutical preparations acting on the central nervous system; Pharmaceutical preparations and substances for the treatment of gastro-intestinal diseases; Pharmaceutical preparations for the treatment and prevention of diseases and disorders of the autoimmune system, the metabolic system, the musculo-skeletal system and the genitourinary system; pharmaceutical preparations for use in hematology and in tissue and organ transplantation; Pharmaceutical preparations for the treatment of eye diseases and conditions; Pharmaceutical preparations for the treatment of heart rhythm disorders; Pharmaceutical preparations for the treatment of immune system related diseases and disorders; Pharmaceutical preparations for the treatment of kidney diseases; Pharmaceutical preparations for treating diabetes; Pharmaceutical preparations for treating hypertension; Pharmaceutical preparations for treating skin disorders; Pharmaceutical preparations for use in dermatology; Pharmaceutical preparations for use in urology; Pharmaceutical products for ophthalmological use; Pharmaceutical products for the prevention and treatment of cancer; Pharmaceutical products for the treatment of bone diseases; Pharmaceutical products for treating respiratory diseases; Pharmaceutical products for treating respiratory diseases and asthma

IC 010. US 026 039 044. G & S: Surgical apparatus and instruments; medical apparatus for introducing pharmaceutical preparations into the human body; medical apparatus for facilitating inhalation of pharmaceutical preparations; medical apparatus for monitoring vital signs of patients; medical diagnostic apparatus for detecting cancer; medical apparatus and instruments for diagnostic radio pharmaceutical use; artificial limbs, eyes and teeth; orthopedic articles, namely, bone repair paste for use in orthopedic surgery; suture material

IC 035. US 100 101 102. G & S: Retail store services and wholesale store services featuring pharmaceutical products and medicines; business consultancy services; business management; business administration; office functions; advertising; operation and management of a charity organization for others; all the aforesaid services relating to pharmaceutical products and medicines; retail store services featuring pharmaceutical products; provision of information and advice for consumers in connection with the selection of pharmaceutical products for acquisition

IC 036. US 100 101 102. G & S: Charitable fundraising services by means of raising funds for medical research

IC 041. US 100 101 107. G & S: Medical and sanitary training and teaching

IC 044. US 100 101. G & S: Medical services; provision of information relating to medical services

**Standard
Characters
Claimed**

**Mark
Drawing
Code** (4) STANDARD CHARACTER MARK

**Serial
Number** 79175557

Filing Date July 10, 2015

**Current
Basis** 66A

**Original
Filing Basis** 66A

**Published
for
Opposition** May 31, 2016

**Registration
Number** 5019807

**International
Registration
Number** 1271773

**Registration
Date** August 16, 2016

Owner (REGISTRANT) NOVARTIS AG Aktiengesellschaft (AG) SWITZERLAND CH-4002 Basel SWITZERLAND

**Attorney of
Record** Maury M. Tepper, III

Priority Date June 22, 2015

**Type of
Mark** TRADEMARK. SERVICE MARK

Register PRINCIPAL

**Live/Dead
Indicator** LIVE

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NOVARTIS

Word Mark NOVARTIS

Goods and Services IC 009. US 021 023 026 036 038. G & S: Apparatus for recording, transmission and reproduction of sound or images; digital media, in particular downloadable audio and video files containing information and comments in the fields of medicine, health, fitness, sports and wellness; computer hardware and computer software for sending, transmission and display of digital data in the field of medicine, health, fitness, sports and wellness; computer peripheral devices; interfaces for computers; tablet computers and personal digital assistants, particularly for use in connection with the fields of medicine, health, fitness, sports and wellness; mobile and handheld digital electronic devices for recording, organizing, transmitting, changing and revising audio files, texts, data and images, particularly for use in connection with the fields of medicine, health, sports fitness and wellness; software and application software for use on electronic telecommunication apparatus, particularly handheld personal computers or tablet computers for use in collecting and storing patient data and medical information such as drug ingestion information, pulse, heart rate, respiratory rate, body temperature, electric pressure in the body, human motion, human position or sleeping condition; software for accessing, browsing and searching downloadable audio and video files, information and commentary available online from databases or the Internet; optical lenses; contact lenses; data communication apparatus that transmit data and information to databases

IC 010. US 026 039 044. G & S: Artificial limbs, eyes and teeth; medical apparatus for introducing pharmaceutical preparations into the human body; inhalers for medical use sold empty; syringes for medical use; health monitoring devices consisting of blood pressure monitors, thermometers and pedometers

IC 041. US 100 101 107. G & S: Education services, namely, providing classes, seminars and workshops in the fields of medicine, health, fitness, sports and wellness; training services in the fields of medicine, health, fitness, exercise and wellness; providing training on-line in the fields of medicine, health, fitness, exercise and wellness; organization of cultural and educational exhibitions; education services, namely, arranging and conducting of educational conferences, congresses, seminars, symposiums, lectures, lessons and training courses in the fields of health and medical information; providing on-line electronic publications, particularly newsletters and articles, not downloadable, in the fields of health and medical information; providing on-line instructional and informative videos, not downloadable, in the fields of health and medical information; arranging and conducting of non-virtual educational forums in the fields of health and medical information

IC 042. US 100 101. G & S: Scientific and technological services, particularly scientific research and analysis, in the fields of medicine, health, fitness, exercise and wellness; design and development of computers and software; chemical analysis; chemical research; software development; scientific laboratory services; technical support services, particularly troubleshooting of software problems; provision of information relating to medical and scientific research in the field of pharmaceutical products; software programming; application service provider (ASP), namely, hosting online computer software applications of others; hosting the web sites of others in the fields of medicine, health, fitness, exercise and wellness

IC 044. US 100 101. G & S: Medical services; beauty consultation services provided by consultants in the field of body and beauty care; health care services, particularly wellness programs and disease management programs; medical assistance; providing health care information; medical and pharmaceutical consultation; medical imaging services

IC 045. US 100 101. G & S: Providing emotional support to cancer patients and their families via interactive on-line forums; social networking services provided via the Internet

**Standard
Characters
Claimed**

Mark

Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 79209927

Filing Date November 29, 2016

Current Basis 66A

Original Filing Basis 66A

Published for Opposition December 26, 2017

Registration Number 5420583

International Registration Number 1349878

Registration Date March 13, 2018

Owner (REGISTRANT) NOVARTIS AG Aktiengesellschaft (AG) SWITZERLAND CH-4002 Basel SWITZERLAND

Attorney of Record Maury M. Tepper, III

Type of Mark TRADEMARK. SERVICE MARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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