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

Proceeding	91272316
Party	Defendant Corium Health Limited
Correspondence Address	MICHAEL A. LISI BRIDGE INTELLECTUAL PROPERTY SERVICES PLLC 23716 WOODWARD AVENUE PLEASANT RIDGE, MI 48069-1130 UNITED STATES Primary Email: info@bridgeip.net 248-284-4091
Submission	Answer
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Date	11/23/2021
Attachments	Answer_to_Notice_of_Opposition.pdf(104091 bytes)

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

LONZA, LLC	§	
	§	
Opposer,	§	Opposition No. 912723316
	§	
v.	§	Serial No. 90001833
	§	
CORIUM HEALTH LIMITED,	§	Published: August 31, 2021
	§	
Applicant.	§	
	§	

Assistant Commissioner for Trademarks
ATTN: TTAB
P.O. Box 1451
Alexandria, Virginia 22313-1451

ANSWER TO NOTICE OF OPPOSITION

Applicant, Corium Health Limited (“Applicant Corium Health”) through its attorneys Bridge Intellectual Property Services PLLC, for its Answer to the Notice of Opposition filed by Opposer, Lonza, LLC (“Opposer”), states as follows.

Applicant Corium Health lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in the first unnumbered paragraph preceding paragraph 1 of the Notice of Opposition and, therefore, leaves Opposer to its proofs.

1. Applicant Corium Health refers the Trademark Trial and Appeal Board to the cited registrations themselves as the best evidence of their contents and status. Applicant Corium Health lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 1 of the Notice of Opposition and, therefore, leaves Opposer to its proofs.

2. Applicant Corium Health refers the Trademark Trial and Appeal Board to the cited registrations themselves as the best evidence of their contents and status.

Applicant Corium Health lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 2 of the Notice of Opposition and, therefore, leaves Opposer to its proofs.

3. Applicant Corium Health lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 3 of the Notice of Opposition and, therefore, leaves Opposer to its proofs.

4. Applicant Corium Health lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 4 of the Notice of Opposition and, therefore, leaves Opposer to its proofs.

5. Applicant Corium Health lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 5 of the Notice of Opposition and, therefore, leaves Opposer to its proofs.

6. Applicant Corium Health lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 6 of the Notice of Opposition and, therefore, leaves Opposer to its proofs.

7. Applicant Corium Health repeats its responses to paragraphs 1 through 6 of the Notice of Opposition.

8. Applicant Corium Health refers the Trademark Trial and Appeal Board to the cited application as the best evidence of its contents and status.

9. Applicant Corium Health admits that App. No. 90001833 was filed claiming Section 1(b) as a filing basis, but denies that Section 44(e) was included as a filing basis in the original application.

10. Applicant Corium Health admits the allegations contained in paragraph 10 of the Notice of Opposition.

11. Applicant Corium Health repeats its responses to paragraphs 1 through 10 of the Notice of Opposition.

12. Applicant Corium Health lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 12 of the Notice of Opposition and, therefore, leaves Opposer to its proofs.

13. Applicant Corium Health lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 13 of the Notice of Opposition and, therefore, leaves Opposer to its proofs.

14. Applicant Corium Health denies as untrue the allegations contained in paragraph 14 of the Notice of Opposition.

15. Applicant Corium Health denies as untrue the allegations contained in paragraph 15 of the Notice of Opposition.

16. Applicant Corium Health denies as untrue the allegations contained in paragraph 16 of the Notice of Opposition.

17. Applicant Corium Health denies as untrue the allegations contained in paragraph 17 of the Notice of Opposition.

18. Applicant Corium Health denies as untrue the allegations contained in paragraph 18 of the Notice of Opposition.

19. Applicant Corium Health denies as untrue the allegations contained in paragraph 19 of the Notice of Opposition.

WHEREFORE, Applicant Corium Health respectfully requests that the Trademark Trial and Appeal Board dismiss the Notice of Opposition with prejudice, that

App. No. 90001833 be registered, and that Applicant Corium Health be awarded its costs and such other relief as the Trademark Trial and Appeal Board deems appropriate.

AFFIRMATIVE AND OTHER DEFENSES

- A. The Notice of Opposition fails to state a claim upon which relief may be granted.
- B. Opposer's claims are barred in whole or in part by the doctrines of waiver, estoppel, and/or laches.
- C. Opposer's ISOCIL Marks are not confusingly similar to Applicant Corium Health's mark ISOCOL in terms of sound, appearance, meaning and/or overall commercial impression.
- D. Opposer's Goods are not identical, similar or related to Applicant Corium Health's goods as set forth in App. No. 90001833.
- E. Opposer's marketing channels for Opposer's Goods are not the same as and do not overlap with the marketing channels for Applicant Corium Health's goods as set forth in App. No. 90001833.
- F. Opposer's Goods are sold to other businesses for use in manufacturing, and are not packaged and sold directly to consumers.
- G. Opposer's ISOCIL Marks are not used on packaging or labels for goods packaged and sold directly to consumers.
- H. Opposer's Goods are not packaged and sold in retail stores.
- I. Opposer's rights are not exclusive; the mark ISOCIL as comprised of the prefix iso- and suffix -cil is weak and diluted and similar marks are used and registered

by a number of third parties for similar or related goods in International classes 1, 3 and/or 5.

J. Applicant Corium Health reserves the right to add additional affirmative defenses and counterclaims as this case and discovery proceeds.

Respectfully submitted,

By: 

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Attorneys for Applicant Corium Health Limited

Dated: November 23, 2021

CERTIFICATE OF TRANSMITTAL

I hereby certify that on November 23, 2021, this correspondence is being electronically transmitted in PDF format to the Trademark Trial and Appeal Board through the Electronic System for Trademark Trials and Appeals (ESTTA).



Michael A. Lisi

CERTIFICATE OF SERVICE

I hereby certify that on this date a true and complete copy of the foregoing Answer to Notice of Opposition is being deposited with the United States Postal Service as First Class mail, postage prepaid, in an envelope address to counsel for Opposer as follows:

David M. Perry
Blake D. Fink
Blank Rome LLP
One Logan Square
Philadelphia, PA 19103



Michael A. Lisi

Date: November 23, 2021