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Filing date: **04/12/2022**

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	Abbott Laboratories
Granted to date of previous extension	04/13/2022
Address	100 ABBOTT PARK ROAD ABBOTT PARK, IL 60064 UNITED STATES
Attorney information	JENNIFER MIKULINA MCDERMOTT, WILL AND EMERY 444 WEST LAKE STREET, SUITE 4000 CHICAGO, IL 60606 UNITED STATES Primary email: jmikulina@mwe.com Secondary email(s): trademarks@abbott.com, jordan.heinz@abbott.com, arubinstein@mwe.com, ipdocketmwe@mwe.com, ipdocketchicago@mwe.com 3123722000
Docket no.	

**Applicant information**

Application no.	88039751	Publication date	12/14/2021
Opposition filing date	04/12/2022	Opposition period ends	04/13/2022
International registration no.	NONE	International registration date	NONE
Applicant	STEMCELL Technologies Canada Inc. 1618 STATION ST VANCOUVER, BC, V6A1B6 CANADA		

**Goods/services affected by opposition**

Class 001. First Use: None First Use In Commerce: None All goods and services in the class are opposed, namely: specialized reagents for genome editing for scientific, research, and laboratory use
Class 005. First Use: None First Use In Commerce: None All goods and services in the class are opposed, namely: specialized reagents for genome editing for medical and medical clinical use

**Grounds for opposition**

Priority and likelihood of confusion	Trademark Act Section 2(d)
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## Marks cited by opposer as basis for opposition

U.S. registration no.	2250082	Application date	01/07/1997
Register	Principal		
Registration date	06/01/1999	Foreign priority date	NONE
Word mark	ARCHITECT		
Design mark			
Description of mark	NONE		
Goods/services	Class 005. First use: First Use: Jan 29, 1999 First Use In Commerce: Jan 29, 1999 diagnostic reagents for medical analysis Class 010. First use: First Use: Jan 29, 1999 First Use In Commerce: Jan 29, 1999 diagnostic apparatus for the medical analysis of bodily fluids and tissue		

U.S. registration no.	2257572	Application date	01/15/1997
Register	Principal		
Registration date	06/29/1999	Foreign priority date	NONE
Word mark	ARCHITECT		
Design mark			
Description of mark	NONE		
Goods/services	Class 009. First use: First Use: Jun 26, 1998 First Use In Commerce: Jun 26, 1998 data management and laboratory automation systems comprised of computer hardware and software for use in the field of medical diagnostics		

Attachments	Notice of Opposition ARCITECT.pdf(94372 bytes )
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Signature	/Jennifer Mikulina/
Name	Jennifer Mikulina
Date	04/12/2022

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

Abbott Laboratories,	
Opposer,	
v.	
STEMCELL Technologies Canada Inc.,	
Applicant.	

In the matter of Trademark Application Serial No. 88039751  
For the mark: ARCITECT  
Published in the *Official Gazette* on December 14, 2021.

**NOTICE OF OPPOSITION**

Abbott Laboratories, an Illinois corporation, with its principal place of business at 100 Abbott Park Road, Abbott Park, Illinois (“Opposer”), through its counsel, McDermott Will & Emery LLP, 444 West Lake Street, Suite 4000, Chicago, IL 60606, hereby states that it will be damaged by registration of the mark ARCITECT covered by U.S. Application Serial Number 88039751, filed by STEMCELL Technologies Canada, Inc., a company organized under the laws of Canada, with its principal place of business at 1618 Station St, Vancouver, BC Canada, V6A1B6 (“Applicant”), and therefore files this Notice of Opposition to the application.

The grounds for this Opposition are as follows:

1. Opposer is part of the Abbott group of global companies. The Abbott group is a global healthcare leader that helps people live more fully at all stages of life. The Abbott group’s portfolio of life-changing technologies spans the spectrum of healthcare, with leading businesses and products in diagnostics, medical devices, nutritionals and branded generic medicines, The Abbott group serves people in more than 160 countries. Opposer develops and markets various

products, including the products identified in Applicant's U.S. Application Serial Number 88039751.

2. Opposer owns a family of trademarks that include the term ARCHITECT (together, the "ARCHITECT Marks"), including the following registrations:

ARCHITECT (U.S. Reg. No. 2250082) covering "diagnostic reagents for medical analysis" in Class 5, and "diagnostic apparatus for the medical analysis of bodily fluids and tissue" in Class 10.

ARCHITECT (U.S. Reg. No. 2257572) covering "data management and laboratory automation systems comprised of computer hardware and software for use in the field of medical diagnostics" in Class 9.

3. The registrations referred to in Paragraph 2 (the "ARCHITECT Registrations") are valid and subsisting and in full force and effect.

4. Since at least as early as 1999, Opposer has used the ARCHITECT Marks in interstate commerce in connection with the goods listed in the ARCHITECT Registrations.

5. Opposer has expended substantial sums and resources to advertise and promote the goods it offers in connection with the ARCHITECT Marks.

6. By reason of Opposer's extensive investment of time, money and effort, including substantial advertising, sales, and promotional activities, the ARCHITECT Marks have come to be recognized as signifying Opposer and its goods, and Opposer has developed substantial goodwill in the ARCHITECT Marks.

7. Long before Applicant filed its application to register the ARCHITECT mark, purchasers had come to recognize Opposer's ARCHITECT Marks as identifying goods emanating exclusively from Opposer.

8. Notwithstanding Opposer's prior rights in and to the ARCHITECT Marks, on July 16, 2018, Applicant filed U.S. Application Serial Number 88039751 (the "ARCHITECT

Application”) to register the mark ARCITECT mark for use in connection with “specialized reagents for genome editing for scientific, research, and laboratory use” in Class 1, and “specialized reagents for genome editing for medical and medical clinical use” in Class 5.

9. The ARCITECT Application was published in the *Official Gazette* (Trademarks) of the United States Patent and Trademark Office on December 14, 2021. Opposer obtained an extension of time to file this Notice of Opposition through April 13, 2022. Therefore, this Opposition is being timely filed.

10. In addition to the United States application, Applicant also filed an application in Canada for ARCITECT on February 21, 2018 for use in connection with “specialized reagents for genome editing for scientific, research, medical, medical clinical, and laboratory use” assigned Canadian Application No. 1884371.

11. Canadian Application No. 1884371 for ARCITECT was refused registration in Canada based on Opposer’s prior Canadian registration for ARCHITECT, Canadian Trademark Registration No. TMA506981.

12. Applicant’s ARCITECT mark is confusingly similar to Opposer’s ARCHITECT Marks in sight, sound, connotation, and commercial impression, and Applicant’s use and registration of the ARCITECT mark are likely to cause confusion, deception, and/or mistake among the relevant public.

13. The goods listed in the ARCITECT Application are related to the goods set forth in in the ARCHITECT Registrations.

14. Applicant’s use and registration of the ARCITECT mark are likely to falsely suggest a connection with Opposer and Opposer’s ARCHITECT Marks.

15. Based on the similar nature of the goods listed in the registrations for the ARCHITECT Marks, consumers are likely to believe that the goods offered under Applicant's ARCHITECT mark are related to, affiliated with or extensions of the goods offered under Opposer's ARCHITECT Marks or are otherwise endorsed or sponsored by Opposer.

16. Applicant's registration and use of ARCHITECT are likely to cause confusion in the minds of consumers or to cause mistake or to deceive, or otherwise injure, diminish or detract from the prior rights firmly established by Opposer in and to the ARCHITECT Marks.

17. Applicant's registration and use of the ARCHITECT mark are likely to injure Opposer's business reputation and diminish the distinctive quality of Opposer's ARCHITECT Marks.

18. Applicant's registration and use of the ARCHITECT mark are likely to harm the reputation of Opposer's ARCHITECT Marks.

19. Applicant's registration and use of the ARCHITECT mark interfere with Opposer's ARCHITECT Marks and will damage Opposer, its business and its goodwill.

WHEREFORE, Opposer believes that it will be damaged by registration of the mark in the ARCHITECT Application and prays that it be denied.

Date: April 12, 2022

Respectfully submitted,  
ABBOTT LABORATORIES

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