

ESTTA Tracking number: **ESTTA1309543**  
Filing date: **09/12/2023**

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	SERVIER PHARMACEUTICALS, LLC
Granted to date of previous extension	09/13/2023
Address	200 PIER FOUR BOULEVARD, 7TH FLOOR BOSTON, MA 02110 UNITED STATES

Attorney information	MAURY M. TEPPER, III TEPPER & EYSTER, PLLC 3724 BENSON DR RALEIGH, NC 27609 UNITED STATES Primary email: mtepper@teiplaw.com Secondary email(s): athompson@teiplaw.com 9198618903
Docket no.	

### Applicant information

Application no.	97160359	Publication date	05/16/2023
Opposition filing date	09/12/2023	Opposition period ends	09/13/2023
Applicant	Asteroid Therapeutics, Inc. 289 ARUNDEL ROAD SAN CARLOS, CA 94070 UNITED STATES		

### Goods/services affected by opposition

Class 005. First Use: None First Use In Commerce: None All goods and services in the class are opposed, namely: Pharmaceuticals preparations for the prevention of diseases, disorders and conditions, namely, cancer; Pharmaceuticals preparations for treating cancer; Pharmaceuticals preparations for the treatment of diseases, disorders and conditions, namely, cancer
Class 042. First Use: None First Use In Commerce: None All goods and services in the class are opposed, namely: Development of pharmaceutical preparations and medicines

### Applicant information

Application no.	97160029	Publication date	06/06/2023
Opposition filing date	09/12/2023	Opposition period ends	

Applicant	Asteroid Therapeutics, Inc. 289 ARUNDEL ROAD SAN CARLOS, CA 94070 UNITED STATES
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## Goods/services affected by opposition

Class 005. First Use: None First Use In Commerce: None All goods and services in the class are opposed, namely: Pharmaceuticals preparations for the prevention of diseases, disorders and conditions, namely, cancer; Pharmaceuticals preparations for treating cancer; Pharmaceuticals preparations for the treatment of diseases, disorders and conditions, namely, cancer; all of the foregoing not for treatment of skin cancer or dermatological conditions
Class 042. First Use: None First Use In Commerce: None All goods and services in the class are opposed, namely: Development of pharmaceutical preparations and medicines for the treatment of cancer excluding development of pharmaceutical preparations for the treatment of skin cancer or dermatological conditions

## 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.	6668592	Application date	02/11/2021
Register	Principal		
Registration date	03/08/2022	Foreign priority date	NONE
Word mark	NONE		
Design mark			
Description of mark	The mark consists of seven rays beneath a crescent.		
Goods/services	Class 005. First use: First Use: Jul 22, 2018 First Use In Commerce: Jul 22, 2018 Anti-cancer preparations, pharmaceutical products for the prevention and treatment of cancer, biological preparations for the treatment of cancer		

U.S. registration no.	6668594	Application date	02/11/2021
Register	Principal		
Registration date	03/08/2022	Foreign priority date	NONE
Word mark	NONE		
Design mark			
Description of mark	The mark consists of 7 orange rays beneath a purple crescent.		
Goods/services	Class 005. First use: First Use: Jul 22, 2018 First Use In Commerce: Jul 22, 2018 Anti-cancer preparations, pharmaceutical products for the prevention and treatment of cancer, biological preparations for the treatment of cancer		

U.S. registration no.	5587519	Application date	08/04/2017
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Register	Principal		
Registration date	10/16/2018	Foreign priority date	NONE
Word mark	TIBSOVO IVOSIDENIB TABLETS		
Design mark			
Description of mark	The mark consists of 7 orange rays beneath a purple crescent, next to the word "TIBSOVO" in purple stylized lettering, above the words "IVOSIDENIB TABLETS" in gray stylized lettering.		
Goods/services	Class 005. First use: First Use: Jul 20, 2018 First Use In Commerce: Jul 20, 2018 Anti-cancer preparations, pharmaceutical products for the prevention and treatment of cancer, biological preparations for the treatment of cancer		

Attachments	Servier Notice of Opposition ASTEROID THERAPEUTICS.pdf(98293 bytes )
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Signature	/Maury M. Tepper, III/
Name	MAURY M. TEPPER, III
Date	09/12/2023

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

In the matter of

Trademark Applications Serial No. 97/160,359 and 97/160,029



**ASTEROID**  
THERAPEUTICS

For the Marks and  
Filed December 7, 2021

SERVIER PHARMACEUTICALS, LLC

Opposer,

v.

ASTEROID THERAPEUTICS, INC.

Applicant.



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Opposition No.

**NOTICE OF OPPOSITION**



Opposer Servier Pharmaceuticals, LLC (“Servier”), a Delaware limited liability company, believes that it will be damaged by registration of the marks shown in Serial No. 97/160,359 and 97/160,029 and hereby opposes the same.

The grounds for opposition are as follows:

1. Applicant filed Application Serial Nos. 97/160,359 and 97/160,029 on or about December 7, 2021, to register the marks  and  (“Therapeutics” disclaimed) in

connection with goods and services including “Pharmaceuticals preparations for the prevention of diseases, disorders and conditions, namely, cancer;” in Class 5;“ and “Development of pharmaceutical preparations and medicines” in Class 42 (“Applicant's Marks”).

2. Opposer will be damaged by the registration of Applicant's Marks.

3. Opposer is the owner of, *inter alia*, United States Trademark Registration No. 6,668,592, filed February 11, 2021 and registered March 8, 2022 for the mark  in connection with “Anti-cancer preparations, pharmaceutical products for the prevention and treatment of cancer, biological preparations for the treatment of cancer” in Class 5; U.S. Reg. No. 6,668,594, filed February 11, 2021 and registered March 8, 2022 for the mark  in connection with “Anti-cancer preparations, pharmaceutical products for the prevention and treatment of cancer, biological preparations for the treatment of cancer” in Class 5; and U.S. Reg. No. 5,587,519 for the mark



filed August 4, 2017 and registered October 16, 2018 in connection with “Anti-cancer preparations, pharmaceutical products for the prevention and treatment of cancer, biological preparations for the treatment of cancer” in Class 5 (collectively, “Opposer’s Marks”)

4. The filing dates, dates of first use and constructive use priority dates for Opposer's Marks are prior to any priority dates that Applicant can claim relating to Applicant's Marks.
5. Applicant's Marks so resemble Opposer's Marks as to be likely to cause confusion or to cause mistake or to deceive.

WHEREFORE, Opposer prays that Application Serial Nos. 97/160,359 and 97/160,029 be rejected, that no registration be issued, and that this Opposition be sustained in favor of Opposer.

This the 12<sup>th</sup> day of September, 2023

Respectfully submitted,

/Maury M. Tepper, III/  
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Attorneys for Opposer

**CERTIFICATE OF FILING**

I do hereby certify that on September 12, 2023, I filed via electronic means (ESTTA)  
this NOTICE OF OPPOSITION with the:

U. S. Patent and Trademark Office  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, Virginia 22313-1451

/Amy L. Thompson/  
Amy L. Thompson, Paralegal