

ESTTA Tracking number: **ESTTA1088026**

Filing date: **10/12/2020**

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

**Petition for Cancellation**

Notice is hereby given that the following party has filed a petition to cancel the registration indicated below.

**Petitioner Information**

Name	Nurix Therapeutics, Inc.		
Entity	Corporation	Citizenship	Delaware
Address	1700 OWENS STREET, SUITE 205 SAN FRANCISCO, CA 94158 UNITED STATES		
Attorney information	LISA M. MARTENS SHEPPARD MULLIN RICHTER & HAMPTON LLP 12275 EL CAMINO REAL, SUITE 200 SAN DIEGO, CA 92130 UNITED STATES Primary Email: dmtmdocketing@sheppardmullin.com Secondary Email(s): gpour-moezzi@sheppardmullin.com 858-720-8900		
Docket Number	69SJ-310232		

**Registration Subject to Cancellation**

Registration No.	4779488	Registration date	07/28/2015
International Registration No.	NONE	International Registration Date	NONE
Registrant	AstraZeneca AB SE-151 85 SÄNDERTÅLJE SWEDEN		

**Goods/Services Subject to Cancellation**

Class 005. First Use: 0 First Use In Commerce: 0 All goods and services in the class are subject to cancellation, namely: Pharmaceutical preparations and substances for use in oncology; Pharmaceutical preparations and substances for the treatment of cardiovascular diseases and disorders, metabolic diseases and disorders, respiratory diseases and disorders, inflammation, infection, gastrointestinal diseases and disorders, and nervous system diseases and disorders
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**Grounds for Cancellation**

Abandonment	Trademark Act Section 14(3)
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Attachments	2020-10.12 Petition to Cancel DEKARTO Registration.pdf(22016 bytes )
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Signature	/Lisa M. Martens/
Name	Lisa M. Martens
Date	10/12/2020

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In re Registration of AstraZeneca AB Corporation:

U.S. Reg. No.: 4,779,488  
Date Registered: July 28, 2015  
Trademark: **DEKARTO**

NURIX THERAPEUTICS, INC., a Delaware corporation,

Petitioner,

v.

ASTRAZENECA AB CORPORATION, a Swedish Corporation,

Registrant.

CANCELLATION NO.:

**PETITION FOR CANCELLATION**

Petitioner Nurix Therapeutics, Inc. (“Petitioner”), a Delaware corporation, having a principal address at 1700 Owens Street, Suite 205, San Francisco, California 94158, believes that it is or will be damaged by the continued registration of the mark **DEKARTO** (Reg. No. 4,779,488) for goods in International Class 5 (“Registrant’s Mark”) owned by AstraZeneca AB Corporation (“Registrant”). Therefore, Petitioner petitions to cancel the registration for Registrant’s **DEKARTO** mark in accordance with the provisions of 15 U.S.C. §§ 1064, 1068, 37 C.F.R. § 2.111(b) and TBMP § 309.03(d).

Registrant’s mark is described as follows:

Mark:	<b>DEKARTO</b>
Reg. No.:	4,779,488
Registration Date:	July 28, 2015
Filing Date:	June 17, 2014

International Class: 05  
Services: Pharmaceutical preparations and substances for use in oncology; Pharmaceutical preparations and substances for the treatment of cardiovascular diseases and disorders, metabolic diseases and disorders, respiratory diseases and disorders, inflammation, infection, gastrointestinal diseases and disorders, and nervous system diseases and disorders

The grounds for cancellation are as follows:

1. Petitioner develops novel drug therapies that modulate protein levels through small molecule drugs targeting E3 ligases, and is focused on developing drugs to treat cancer and immune-mediated diseases.
2. Recently, Petitioner established DeCART Therapeutics Inc. (“DeCART”), a wholly owned subsidiary, to focus on adoptive cell therapy. Specifically, DeCART aims to develop drug-enhanced chimeric antigen receptor T cell therapies for treating cancer.
3. Petitioner owns common law rights in the trademark DeCART (the “DeCART Mark”), which it has used in commerce since approximately March 2020 in connection with pharmaceutical research and development. As noted above, Petitioner also intends to use the DeCART Mark in connection with drug therapies for the treatment of cancer and immune-related disorders.
4. Accordingly, on September 19, 2019, Petitioner filed an intent-to-use federal trademark application (Serial No. 88/622.870) for the DeCART Mark<sup>1</sup> in connection with “biological and pharmaceutical preparations for the treatment of cancer and immune-related disorders” in Class 5 and “research and development in pharmaceutical and biotechnology fields” in Class 42 (the “DeCART Application”). The DeCART Application is presently pending before the U.S. Patent and Trademark Office (“PTO”).

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<sup>1</sup> In its application, Petitioner’s mark appears with a hyphen as DE-CART. Petitioner intends to amend its application and remove the hyphen, so that the application will cover DECART.

5. On December 26, 2019, the PTO issued an office action preliminarily refusing the DeCART Application on grounds of a likelihood of confusion with the registration for Registrant's Mark.

6. On July 29, 2020, and after Petitioner submitted a response to the preliminary refusal, the PTO made final its refusal based on a likelihood of confusion with the registration for Registrant's Mark.

7. On information and belief, Registrant is not currently using in commerce Registrant's Mark for any of the goods identified in the **DEKARTO** registration. After a reasonable and thorough search, Petitioner was not able to locate any use of Registrant's Mark on Registrant's website located at [www.astrazeneca.com](http://www.astrazeneca.com), nor was Petitioner able to locate any other evidence of Registrant's use of its mark.

8. On information and belief, Registrant does not intend to resume use of Registrant's Mark.

9. On information and belief, Registrant's Mark has lost all capacity as a source indicator for Registrant's goods.

10. In light of the foregoing, Registrant has abandoned its **DEKARTO** mark.

11. Accordingly, for the reasons stated above, Petitioner believes that it will be damaged by the continued registration of Registrant's Mark and hereby requests cancellation of the registration for Registrant's Mark.

WHEREFORE, Petitioner prays that this petition be sustained and that Registration No. 4,779,488 be cancelled.

DATED: October 12, 2020

Respectfully submitted,

By /Lisa M. Martens/

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LISA M. MARTENS  
GAZAL POUR-MOEZZI

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