

ESTTA Tracking number: **ESTTA916950**

Filing date: **08/21/2018**

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	PLX PHARMA INC.		
Entity	Corporation	Citizenship	Delaware
Address	8285 El Rio Suite 130 Houston, TX 77054 UNITED STATES		

Attorney information	Joseph C. Gioconda GIOCONDA LAW GROUP PLLC 100 Park Avenue 16th Floor New York, NY 10017 UNITED STATES joseph.gioconda@giocondalaw.com 212-235-1220		
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Applicant Information

Application No	87844032	Publication date	07/24/2018
Opposition Filing Date	08/21/2018	Opposition Period Ends	08/23/2018
Applicant	Metagenics, Inc. 25 Enterprise, Suite 200 Aliso Viejo, CA 92656 UNITED STATES		


Goods/Services Affected by Opposition


Class 009. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: computer application software for mobile phones, namely, software for use by patients and healthcare providers to manage data and provide direct feedback on health, wellness and biomarkers

Grounds for Opposition


Priority and likelihood of confusion	Trademark Act Section 2(d)
False suggestion of a connection with persons, living or dead, institutions, beliefs, or national symbols, or brings them into contempt, or disrepute	Trademark Act Section 2(a)
Deceptiveness	Trademark Act Section 2(a)


Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	5128399	Application Date	06/15/2016
Registration Date	01/24/2017	Foreign Priority Date	NONE
Word Mark	PLX		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 2012/01/01 First Use In Commerce: 2012/01/01 Research and development services for pharmaceutical preparations and substances, namely, non-steroidal anti-inflammatory drug containing preparations; providing medical and scientific research information in the fields of pharmaceuticals		

U.S. Registration No.	4879464	Application Date	09/12/2014
Registration Date	01/05/2016	Foreign Priority Date	NONE
Word Mark	PLX PHARMA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 2012/01/01 First Use In Commerce: 2012/01/01 Research and development services for pharmaceutical preparations and substances, namely, phospholipid and non-steroidal anti-inflammatory drug containing preparations; providing medical and scientific research information in the fields of pharmaceuticals		


U.S. Application No.	87777592	Application Date	01/31/2018
Registration Date	NONE	Foreign Priority	NONE

		Date	
Word Mark	PLX		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 0 First Use In Commerce: 0 Pharmaceutical preparations, both prescription and over-the-counter, for use in-connection with humans as anti-inflammatories, analgesics, antipyretics and forthe prevention and treatment of cancer and for the prevention and treatment of cardiovascular and/or cerebrovascular disease		

U.S. Application No.	87777601	Application Date	01/31/2018
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	PLX PHARMA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 0 First Use In Commerce: 0 Pharmaceutical preparations, both prescription and over-the-counter, for use in-connection with humans as anti-inflammatories, analgesics, antipyretics and forthe prevention and treatment of cancer and for the prevention and treatment of cardiovascular and/or cerebrovascular disease		

U.S. Application No.	88040660	Application Date	07/17/2018
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	PLX PHARMA INC.		

Design Mark	
Description of Mark	The mark consists of white and red lettering on a blue background.
Goods/Services	Class 005. First use: First Use: 0 First Use In Commerce: 0 medicated and pharmaceutical preparations, both prescription and over-the-counter, for use in humans

U.S. Application No.	87740246	Application Date	01/02/2018
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	PLXGUARD		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 0 First Use In Commerce: 0 Pharmaceutical preparations, namely, anoral drug delivery system comprising capsules, liquids, dissolvable films or tablets affecting surface acting lipids to modify the physiochemical properties ofvarious drugs to selectively release these drugs to targeted portions of the human GI tract		

Attachments	87072653#TMSN.png(bytes) 86393682#TMSN.png(bytes) 87777592#TMSN.png(bytes) 87777601#TMSN.png(bytes) 88040660#TMSN.png(bytes) 87740246#TMSN.png(bytes) PLX Opposition.pdf(906636 bytes)
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Signature	/Joseph C. Gioconda/
Name	Joseph C. Gioconda

Date	08/21/2018
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