

ALLERGAN PHARMACEUTICAL,  
INC.,

Opposer,

INTER PARTES CASE NO. 3354

OPPOSITION TO:

Application Serial No. 62767  
Filed : September 10, 1987  
Applicant : AB Astra  
Trademark : BREMIDE  
Used on : Pharmaceutical  
preparations and  
substances

- versus -

AB ASTRA,

Respondent-Applicant.

x-----x

DECISION NO. 89-46 (TM)  
July 10, 1989

### DECISION

On March 30, 1989, Allergan Pharmaceutical, Inc. filed an Unverified Notice of Opposition against the registration of the trademark "BREMIDE" used on pharmaceutical preparations and substances applied for by AB Astra on September 10, 1987 under Application Serial No. 62675; which was published for opposition on Page 13, Volume 11, No. 2 of the BPTTT Official Gazette officially released on February 28, 1989.

Opposer is a foreign corporation duly organized under the laws of the United States of America with business address at 2525 Dupont Drive, Irvine, California 92713, U.S.A., while Respondent-Applicant is likewise a foreign corporation of Sweden, with business address at Kvarnbergagatan 16, S-151 85 Sodertalje, Sweden.

The grounds alleged in the Opposition are:

"1. The Opposer is the owner of a Certificate of Registration for the trademark PRED MILD in International Class 5.

2. The respondent's trademark BREMIDE when applied to or used in connection with the goods of the respondent, causes or shall cause confusion and mistake and deceives or shall deceive purchasers as to the source and origin of the goods and enable or shall enable unscrupulous dealers to pass off the goods of AB ASTRA for those of the Opposer herein to the damage of both the Opposer and the buying public x x x.

3. The trademark PRED MILD x x x, ever since its adoption, has been continuously applied to products of Opposer x x x and now is popularly known in the U.S.A. and other parts of the world x x x."

On April 10, 1989, the Bureau sent to Respondent-Applicant a Notice to Answer the Notice of Opposition within fifteen (15) days from receipt thereof.

On April 25, 1989, Respondent-Applicant filed its Answer stating the following special and affirmative defenses:

"5. The trademark "BREMIDE" applied for registration in this jurisdiction had long enjoyed trademark registration in its home country as well as other countries abroad.

xxx

8. The marks alleged to be confusingly similar are not even remotely akin as Opposer's mark consists of two words 'PRED' and 'MILD' while that of Respondent-Applicant consists of a single word, "BREMIDE"; the Spelling and number of letters are different; they do not sound alike; thus, negating the possibility of confusion to the buying public.

9. The respective marks, of the parties have been allowed to co-exist in most countries of the world which circumstance belie Opposer's claim, of confusion."

On June 5, 1989, Opposer`s counsel filed a Manifestation informing formally this Bureau that its client "is not interested anymore in pursuing the instant Opposition to Application Serial No. 62675 for the registration of the trademark "BREMIDE" and prays that the herein Opposition be considered withdrawn.

WHEREFORE, this Opposition Case is DISMISSED, for having become moot, Application Serial No. 62675 for the registration of the mark "BREMIDE" should now be given due course.

Let the records of the case be transmitted to the Application, Issuance and Publication Division for appropriate action in accordance with this Decision.

SO ORDERED.

IGNACIO S. SAPALO  
Director