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

Proceeding	91199863
Party	Defendant Xellia Pharmaceuticals ApS
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Date	04/04/2013
Attachments	XELLIA Motion & Stip Amemdment.pdf (5 pages)(135985 bytes)

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

In the matter of U.S. Application No. 79/075436
Mark: **XELLIA**

MSP Singapore Company, LLC,)	
)	
Opposer,)	
)	Opposition No. 91199863
vs.)	
)	
Xellia Pharmaceuticals ApS,)	
)	
Applicant.)	

**APPLICANT’S MOTION TO RESUME PROCEEDINGS
FOR CONSIDERATION OF STIPULATED AMENDMENT
OF U.S. APP. NO. 79/075436 (XELLIA)**

Applicant hereby moves this Board for an order to resume proceedings.

Pursuant to TBMP §510.03, each party has the right to request resumption of the proceedings at any time during a suspension period.

Upon consideration of Applicant’s Motion for Suspension for Settlement With Consent filed on March 15, 2013, the Board ordered this case be suspended through May 14, 2013. The parties have now resolved the issues regarding this opposition and as such, Applicant respectfully requests the Board to resume proceedings for consideration of the accompanying Stipulated Amendment of Application.

It is believed that no fee is required for filing this paper. In the event that any fee is required, the Commissioner of Trademarks is authorized to charge any fees in connection herewith to Deposit Account No. 13-2725.

Respectfully submitted,

XELLIA PHARMACEUTICALS APS

By its attorneys,



April 4, 2013

Date

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing APPLICANT'S
MOTION TO RESUME PROCEEDINGS FOR CONSIDERATION OF STIPULATED
AMENDMENT OF U.S. APP. NO. 79/075436 (XELLIA) and STIPULATED
AMENDMENT was served upon the following attorney of record for Applicant by First
Class Mail, postage pre-paid, this 4th day of April, 2013:

Christopher Bolinger
Merck & Co., Inc.
126 E. Lincoln Avenue
Rahway, New Jersey 07065

D. Mattessich

April 4, 2013

Date

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

_____)	
MSP Singapore Company, LLC,)	
)	
Opposer,)	Opposition No. 91199863
)	App. No. 79/075436
v.)	Mark: XELLIA
)	
Xellia Pharmaceuticals ApS,)	
)	
Applicant.)	
_____)	

United States Patent and Trademark Office
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

STIPULATED AMENDMENT OF APPLICATION

Applicant, with the consent of Opposer, hereby respectfully requests that the Board amend Application Serial No. 79/075436 (XELLIA) to identify the goods in classes 5 and 10 as follows (NOTE: The proposed changes have been underlined for the ease of identification):

Pharmaceutical and veterinary preparations, namely, anti-infective, anti-viral, antibiotic, anti-fungal and anti-inflammatory preparations in bulk and finished dosage form for medical and veterinary purposes, not for use as finished diagnostic preparations and specifically excluding finished pharmaceutical preparations in the form of tablets as well as cardiovascular finished pharmaceutical preparations; sanitary preparations for medical purposes, not for use as finished diagnostic preparations; dietetic substances adapted for medical use, namely, foods; disinfectants for sanitary and medical purposes; preparations for destroying vermin; fungicides; herbicides (international class 5).

Medical apparatus for introducing pharmaceutical preparations into the human body, specifically excluding cardiovascular preparations (international class 10).

The description of goods and services in classes 1 and 42 remain *unchanged*.

The parties believe that acceptance of the identification of goods in classes 5 and 10 as set forth above resolves the outstanding issues between the parties and will ultimately result in the withdrawal of this opposition by Opposer. The parties also believe that the proposed

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