

vw/apb

Mailed: August 19, 2014

Opposition No. 91216289

JPI Commercial, LLC

v.

Novartis AG

**By the Trademark Trial and Appeal Board:**

On July 14, 2014, applicant filed the parties' stipulation to the amendment of the identification of goods in applicant's involved application Serial No. 86036708 and to the dismissal of the opposition "with the consent of the applicant" upon entry of the amendment.<sup>1</sup>

By the proposed amendment, the parties seek to amend the identification of goods in International Class 5 by deleting the wording "Pharmaceutical preparations acting on the central nervous system;" and adding the wording "; all of the foregoing excluding pharmaceutical preparations for the treatment of sleep disorders or neurological disorders." With the proposed amendment, the identification reads as follows: "Anti-infectives; Anti-inflammatories; Antibacterial pharmaceuticals; Antibiotics; Antifungal preparations; Antivirals;

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<sup>1</sup> The stipulation was not accompanied by a red-line version of the proposed amendment which clearly indicates exactly what changes are proposed. The Board recommends submission of a red-lined copy of the proposed amendment showing the proposed changes along with a clean copy of the proposed amendment, particularly if a lengthy identification of goods is involved. Such a submission will assist Board personnel in the review and entry of the amendment. *See* TBMP Section 514.01 (2014).

Cardiovascular pharmaceuticals; Dermatological pharmaceutical products; Inhaled pharmaceutical preparations for the treatment of respiratory diseases and disorders; Pharmaceutical preparations and substances for the treatment of gastro-intestinal diseases; Pharmaceutical preparations for the treatment and prevention of diseases and disorders of the autoimmune system, the metabolic system, the musculo-skeletal system and the genitourinary system; pharmaceutical preparations for use in hematology and in tissue and organ transplantation; Pharmaceutical preparations for the treatment of eye diseases and conditions; Pharmaceutical preparations for the treatment of heart rhythm disorders; Pharmaceutical preparations for the treatment of immune system related diseases and disorders; Pharmaceutical preparations for the treatment of kidney diseases; Pharmaceutical preparations for treating diabetes; Pharmaceutical preparations for treating hypertension; Pharmaceutical preparations for treating skin disorders; Pharmaceutical preparations for use in dermatology; Pharmaceutical preparations for use in urology; Pharmaceutical products for ophthalmological use; Pharmaceutical products for the prevention and treatment of cancer; Pharmaceutical products for the treatment of bone diseases; Pharmaceutical products for treating respiratory diseases; Pharmaceutical products for treating respiratory diseases and asthma; all of the foregoing excluding pharmaceutical preparations for the treatment of sleep disorders or neurological disorders."

The amendment is limiting in nature, as required by Trademark Rule 2.71(a). Because opposer consents thereto, it is approved and entered. *See* Trademark Rule 2.133(a). In view of such entry, the opposition is dismissed without prejudice. *See* Trademark Rule 2.106(c).