

ESTTA Tracking number: **ESTTA844862**

Filing date: **09/11/2017**

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

Proceeding	91235993
Party	Defendant Novartis AG
Correspondence Address	MAURY M TEPPER III TEPPER & EYSTER PLLC 3724 BENSON DRIVE RALEIGH, NC 27609 UNITED STATES Email: mtepper@teiplaw.com
Submission	Motion to Amend Application
Filer's Name	Maury M. Tepper, III
Filer's email	mtepper@teiplaw.com, tmorris@teiplaw.com
Signature	/Maury M. Tepper, III/
Date	09/11/2017
Attachments	Stip Motion.pdf(521748 bytes )

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

JAZZ PHARMACEUTICALS, INC.

Opposer,

v.

NOVARTIS AG

Applicant.

Opposition No. 91235993

Application No. 87/222,187

Mark: ZIBITRO

**STIPULATED MOTION TO AMEND APPLICATION,  
SUSPEND PROCEEDINGS, AND DISMISS OPPOSITION**

Pursuant to an agreement reached by the parties, the parties have stipulated to, and respectfully request that the Board enter an order granting the following:

Applicant Novartis AG ("Applicant"), by and through its undersigned counsel, respectfully requests amendment to the recitation of goods identified in Trademark Application Serial No. 87/222,187 to the following:

"Anti-infectives; anti-inflammatories; antibacterial pharmaceuticals; antibiotics; antifungal preparations; antivirals; cardiovascular pharmaceuticals; dermatological pharmaceutical products; inhaled pharmaceutical preparations for the prevention and treatment of respiratory diseases and disorders; pharmaceutical preparations acting on the central nervous system; pharmaceutical preparations and substances for the prevention and treatment of gastro-intestinal diseases; pharmaceutical preparations for the prevention and treatment of diseases and disorders of the autoimmune system, the metabolic system, the endocrine 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 prevention and treatment of eye diseases and conditions; pharmaceutical preparations for the prevention and treatment of heart rhythm disorders; pharmaceutical preparations for the prevention and treatment of immune system related diseases and disorders; pharmaceutical preparations for the prevention and treatment of kidney diseases; pharmaceutical preparations for

the prevention and treatment of diabetes; pharmaceutical preparations for the prevention and treatment of hypertension; pharmaceutical preparations for the prevention and treatment of 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 and tumors; pharmaceutical preparations for the prevention and treatment of allergies; pharmaceutical products for the prevention and treatment of bone diseases; pharmaceutical products for the prevention and treatment of respiratory diseases and asthma, all of the foregoing excluding pharmaceutical preparations and substances for the treatment or management of sleep disorders" in International Class 5

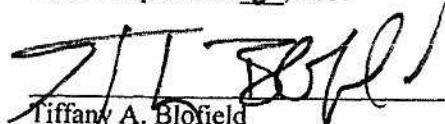
Opposer Jazz Pharmaceuticals, Inc. ("Opposer") consents to this amendment and has agreed to withdraw this opposition upon acceptance of the revised goods description by the Trademark Trial and Appeal Board ("TTAB").

Pursuant to the Parties' agreement and contingent upon the TTAB's acceptance and entry of the amendment to the Application described above, Opposer respectfully requests dismissal of this opposition in accordance with TBMP § 601.01.


The Parties also respectfully request, in accordance with TBMP § 510.03(a), that the Board suspend this proceeding until it has considered and ruled with regard to both the proposed amendment and the requested dismissal.

The consent of the Parties to the requests set forth above is reflected by the signature of the attorneys for the Parties as set forth below:

Dated: September 8, 2017

  
Tiffany A. Blofield  
Winthrop & Weinstine PA  
225 South Sixth Street, Suite 3500  
Minneapolis, MN 55402

**ATTORNEY FOR OPPOSER**

  
Maury M. Tepper, III  
Tepper & Eyster, PLLC  
3724 Benson Drive  
Raleigh, NC 27609

**ATTORNEY FOR APPLICANT**

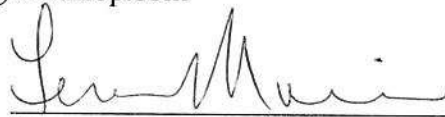
**CERTIFICATE OF SERVICE**

I do hereby certify that on September 11, 2017, I filed via electronic means (ESTTA) this MOTION TO AMEND APPLICATION, SUSPEND PROCEEDINGS AND DISMISS OPPOSITION with the:

U. S. Patent and Trademark Office  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, Virginia 22313-1451

With a copy via electronic mail to Tiffany A. Blofield:

TBlofield@winthrop.com



Teresa Morris, Paralegal