

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
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Mailed: October 25, 2017

Opposition No. 91235993

Jazz Pharmaceuticals, Inc.

v.

Novartis AG

By the Trademark Trial and Appeal Board:

On September 11, 2017, Applicant filed a proposed amendment to its application Serial No. 87222187, with Opposer's consent, and Opposer's withdrawal of the opposition, contingent upon entry of the amendment.

By the proposed amendment, Applicant seeks to amend the identification of goods by adding the wording, “**all of the foregoing excluding pharmaceutical preparations and substances for the treatment or management of sleep disorders,**” as underlined and **bolded** at the end of the recitation of goods:

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 forgoing excluding pharmaceutical and preparations and substances for the treatment or management of sleep disorders.**

The amendment is limiting in nature, as required by Trademark Rule 2.71(a).

Because Opposer consents thereto, the amendment is approved and entered. *See* Trademark Rule 2.133(a).

The contingency in Opposer's withdrawal having now been met, the opposition is dismissed in accordance with the agreement between the parties.