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

Proceeding no.	91287494
Party	Defendant Septodont Holding SAS
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Date	02/12/2024
Attachments	Novocure v. Septodont - Consent Motion to Amend (12-Feb-2024 executed).pdf(167406 bytes)

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

In re Application Serial No. 88/221,050
Filed: December 7, 2018
For Mark: NOVOCOL PHARMA
Published in the Official Gazette: June 6, 2023

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NOVOCURE GMBH, :
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 Opposer, : Opposition No. 91287494
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 v. :
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 :
 SEPTODONT HOLDING SAS, :
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 Applicant. :
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Commissioner for Trademarks
Attn: Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, Virginia 22313-1451

MOTION ON CONSENT TO AMEND APPLICATION

Pursuant to Rule 2.133 of the Trademark Rules of Practice, Applicant Septodont Holding SAS respectfully requests that its above-captioned application be amended by (a) deleting the following goods from the identification in Class 5: “*pharmaceutical preparations for the treatment of cancer,*” “*pharmaceutical preparations for the treatment of oncological diseases and disorders,*” and “*pharmaceutical preparations for use in oncology*”; (b) deleting the following services from the identification in Class 35: “*clinical trial services, namely, business and information management of clinical studies to fast track drug products to market*”; (c) deleting the following services from the identification in Class 42: “*conducting clinical trials for others, namely, managing clinical studies to fast track drug products to market*”; and (d) adding the following bolded language to the very end of the identifications in Classes 5, 10, 35, 40, 42, and 45: “**none of the foregoing for**

the treatment of cancer or oncological diseases and disorders”, thereby reading as follows:

Class 5: Pharmaceutical preparations, namely, acne medication, allergy medication, antacids, anthelmintics, antiarrhythmics, antibiotic creams and ointments, antibiotics, anticoagulants, anticonvulsants, antidepressants, antiemetics, antiflatulants, antihistamines, antihypertensives anti-infectives, anti-inflammatories, antiparasites, antivirals, burn relief medication, calcium channel blockers, central nervous system depressants, central nervous system stimulants, cough treatment medication, diarrhea medication, fungal medications, gastro-intestinal pharmaceutical preparations, glaucoma agents, hydrocortisone, hypnotic agents, sedatives, pain relief medication, and topical and injectable pharmaceutical preparations for dental, endodontic and periodontal disorders; anti-epileptic pharmaceutical preparations; bismuth preparations for pharmaceutical use; bromine for pharmaceutical purposes; cardiovascular pharmaceutical preparations; frostbite salve for pharmaceutical purposes; guaiacol for pharmaceutical purposes; intravenous fluids used for rehydration, nutrition and the delivery of pharmaceutical preparations; inhaled pharmaceutical preparations for the treatment of respiratory diseases and disorders; injectable pharmaceutical contraceptives; pharmaceutical anti-allergic preparations and substances; pharmaceutical for the treatment of erectile dysfunction; pharmaceutical hormonal preparations, namely, corticosteroids, hormone replacement therapy preparations, oral contraceptives, thyroid hormone preparations; pharmaceutical preparations and substances for the treatment of gastro-intestinal diseases; pharmaceutical preparations for the treatment of bone fractures; pharmaceutical preparations for inhalation for the treatment of pulmonary hypertension; pharmaceutical preparations for ocular or intraocular surgery; pharmaceutical preparations for reducing cholesterol; pharmaceutical preparations for the prevention of osteoporosis; pharmaceutical preparations for the relief of pain; pharmaceutical preparations for the treatment of acne; pharmaceutical preparations for the treatment of bacterial skin infections, fungal skin infections, viral skin infections and parasitic skin infections; pharmaceutical preparations for the treatment of allergies; pharmaceutical preparations for the treatment of blood disorders; **pharmaceutical preparations for the treatment of cancer**; pharmaceutical preparations for the treatment of cardiovascular diseases; pharmaceutical preparations for the treatment of carpal tunnel syndrome; pharmaceutical preparations for the treatment of chronic pain; pharmaceutical preparations for the treatment of cranial or facial nerve disorders; pharmaceutical preparations for the treatment of degenerative nerve diseases and disorders, namely, Alzheimer's disease, Parkinson's disease, Huntington's disease and multiple sclerosis; pharmaceutical preparations for the treatment of dental and oral diseases; pharmaceutical preparations for the treatment of diseases, disorders and infections of the endocrine system, namely, growth and thyroid disorders; pharmaceutical preparations for the treatment of diseases, disorders and infections of the spinal cord systems and related cartilage and tissue; pharmaceutical preparations for the treatment of drug and alcohol abuse; pharmaceutical preparations for the treatment of gastro-intestinal diseases; pharmaceutical preparations for the treatment of genito-urinary and pelvic diseases, disorders and infections, namely, infertility, sexually transmitted diseases, incontinence and sexual dysfunction; pharmaceutical preparations for the treatment of genitourinary diseases,

namely, urological diseases, infertility, sexually transmitted diseases, inflammatory pelvic diseases; pharmaceutical preparations for the treatment of glaucoma; pharmaceutical preparations for the treatment of headaches; pharmaceutical preparations for the treatment of hypercholesteremia; pharmaceutical preparations for the treatment of hyperlipidemia; pharmaceutical preparations for the treatment of immunologic diseases, namely, autoimmune diseases, immunologic deficiency syndromes; pharmaceutical preparations for the treatment of infectious diseases, namely, respiratory infections, eye infections; pharmaceutical preparations for the treatment of inflammatory connective tissue diseases and injuries; pharmaceutical preparations for the treatment of inflammatory diseases, namely, inflammatory bowel diseases, inflammatory connective tissue diseases; pharmaceutical preparations for the treatment of inflammatory muscle diseases and disorders; pharmaceutical preparations for the treatment of metabolic diseases and disorders, namely, gout, osteoarthritis, muscular dystrophy, anemia; pharmaceutical preparations for the treatment of metabolic disorders, namely, bulimia nervosa, anorexia, and hypothyroidism; pharmaceutical preparations for the treatment of migraine; pharmaceutical preparations for the treatment of motion sickness; pharmaceutical preparations for the treatment of multiple sclerosis; pharmaceutical preparations for the treatment of myalgia and neuralgia; pharmaceutical preparations for the treatment of neurological diseases, namely, Alzheimer's, Huntington's Disease, cerebral palsy; pharmaceutical preparations for the treatment of neurological disorders, namely, brain injury, spinal cord injury, seizure disorders; pharmaceutical preparations for the treatment of neuromuscular diseases and disorders, namely, cerebrovascular accident (stroke), Parkinson's disease, multiple sclerosis, myasthenia gravis, Huntington's disease; ~~pharmaceutical preparations for the treatment of oncological diseases and disorders~~; pharmaceutical preparations for the treatment of ophthalmological diseases and disorders; pharmaceutical preparations for the treatment of physical and psychological addictions, namely, gambling addiction, eating disorders and addictions, nicotine addiction, Internet addiction, drug addiction; pharmaceutical preparations for the treatment of psychiatric and other brain diseases and disorders, namely, anxiety, mood disorders, schizophrenia, cognitive and bipolar disorders, epilepsy, Alzheimer's, cerebral palsy, Parkinson's disease, multiple sclerosis; pharmaceutical preparations for the treatment of psychiatric diseases, namely, mood disorders, anxiety disorders, cognitive disorders, schizophrenia; pharmaceutical preparations for the treatment of respiratory diseases, disorders and infections; pharmaceutical preparations for the treatment of skin irritations, namely, bee stings, sunburn, rashes, sores, corns, calluses, and acne; pharmaceutical preparations for the treatment of smoking cessation; pharmaceutical preparations for the treatment of the central nervous system, namely, central nervous system infections, brain diseases, central nervous system movement disorders, ocular motility disorders, spinal cord diseases; pharmaceutical preparations for the treatment of the central nervous system, namely, encephalitis, epilepsy, Alzheimer's, cerebral palsy, Parkinson's disease; pharmaceutical preparations for the treatment of the diseases, disorders and infections of the central nervous system, namely, brain, movement, ocular motility and spinal cord diseases; pharmaceutical preparations for the treatment of the musculoskeletal system, namely, connective tissue diseases, bone diseases, spinal diseases, back pain, fractures, sprains, cartilage injuries; pharmaceutical preparations for the treatment of the respiratory system; pharmaceutical preparations for the treatment of varicose veins; pharmaceutical

preparations for the treatment of vascular diseases; pharmaceutical preparations for the treatment of viral diseases, namely, herpes, hepatitis, Acquired Immune Deficiency Syndrome (AIDS); pharmaceutical preparations for treating allergic rhinitis and asthma; pharmaceutical preparations for treating asthma; pharmaceutical preparations for treating dandruff; pharmaceutical preparations for use in dermatology, namely, dermatitis, skin pigmentation diseases, sexually transmitted diseases; pharmaceutical preparations for use in discouraging the smoking habit; pharmaceutical preparations for use in gastroenterology; pharmaceutical preparations for use in ocular disorders; ~~pharmaceutical preparations for use in oncology~~; pharmaceutical preparations for use in ophthalmology; pharmaceutical preparations for wounds; pharmaceutical preparations against dry skin caused by pregnancy; pharmaceutical preparations for hydrating the skin during pregnancy; pharmaceutical preparations for ophthalmological use; ~~pharmaceutical preparations for the treatment of cancer~~; pharmaceutical preparations for treating respiratory diseases; pharmaceutical solutions used in dialysis; radioactive pharmaceutical preparations for in vivo diagnostic or therapeutic use; sunburn preparations for pharmaceutical purposes; synthetic peptides for the treatment of all of the foregoing diseases and conditions; disinfection systems, namely, all-purpose disinfectants; none of the foregoing for the treatment of cancer or oncological diseases and disorders

Class 10: Drug delivery systems, namely, needles, syringes, nasal spray bottles, injection devices, oral and nasal inhalation devices, patch pumps, and anesthetic delivery apparatus for medical purposes, but not for use in the fields of diabetes and obesity; none of the foregoing for the treatment of cancer or oncological diseases and disorders

Class 35: Business consulting services relating to pharmaceutical manufacturing, clinical evaluation and testing, regulatory registration, stability studies, method development, formal stability, registration batches and commercial production; ~~clinical trial services, namely, business and information management of clinical studies to fast track drug products to market~~ none of the foregoing for the treatment of cancer or oncological diseases and disorders

Class 40: Contract manufacturing of clinical batches of pharmaceuticals; Consulting services relating to pharmaceutical manufacturing, batch biological treatment batches, and pharmaceutical manufacturing; custom manufacture of pharmaceuticals, namely, the formulation of new dosage forms and the reformulation of existing drug products; none of the foregoing for the treatment of cancer or oncological diseases and disorders

Class 42: Consulting services relating to the clinical testing, inspection, or research of pharmaceuticals; Consulting services relating to conducting pharmaceutical stability studies and formal stability studies; Consulting services relating to the development of chemical production methods; Consulting services relating to registration batch research and commercial pharmaceutical products development; Pharmaceutical drug development services, namely, the formulation of new dosage forms and the reformulation of existing drug products; ~~conducting clinical trials for others, namely, managing clinical studies to fast track drug products to market~~ none of the foregoing for the treatment of cancer or oncological diseases and disorders

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