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Filing date: **10/15/2015**

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

Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	Mirexus Biotechnologies Inc.		
Entity	Corporation	Citizenship	Canada
Address	Unit C 361 Southgate Drive Guelph, N1G3M5 CANADA		

Attorney information	Patrick J. Jennings Pillsbury Winthrop Shaw Pittman, LLP 1200 Seventeenth Street, NW Washington, DC 20036 UNITED STATES dctm@pillsburylaw.com Phone:2026638000		
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Registration Subject to Cancellation

Registration No	4049986	Registration date	11/01/2011
Registrant	MYREXIS, INC. 305 Chipeta Way SALT LAKE CITY, UT 84108 UNITED STATES		

Goods/Services Subject to Cancellation

Class 005. First Use: 2011/05/19 First Use In Commerce: 2011/05/19 All goods and services in the class are cancelled, namely: Pharmaceutical preparations and substances for the treatment of viral, bacterial, infectious, genetic, auditory, hematological, reproductive, lymphatic, metabolic, endocrine, musculoskeletal, cardiovascular, cardiopulmonary, genitourinary, sexual dysfunction, oncological, hepatological, ophthalmic, respiratory, neurological, gastrointestinal, hormonal, dermatological, psychiatric and immune system related diseases and disorders; pharmaceutical preparations for use in effecting analgesia and in pain management; pharmaceutical products for the prevention and treatment of cancer

Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	TM Cancellation - Myrexix 4830-9046-6857 v.1.pdf(471152 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Pat Jennings/
Name	Patrick J. Jennings
Date	10/15/2015

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mirexus Biotechnologies Inc.,)
)
 Petitioner,)
) Cancellation No. _____
 v.) Reg. No. 4,049,986
)
 Myrexix, Inc.,)
)
 Registrant.)

PETITION TO CANCEL

Mirexus Biotechnologies Inc. (“Petitioner”) is or will be damaged by the continued registration of the MYREXIS mark in United States Trademark Registration No. 4,049,986 and hereby petitions to cancel the same. As grounds for the cancellation, Petitioner alleges that, upon actual knowledge with respect to itself and its own acts, and upon information and belief as to other matters:

1. Petitioner is a Canadian corporation having a principal place of business at Unit C, 361 Southgate Drive, Guelph, Canada N1G 3M5.
2. On March 13, 2015, Petitioner filed a use-based application, Serial No. 86/563,443, to register the mark MIREXUS (“Petitioner’s Mark”) in the United States Patent and Trademark Office for use in connection with “cosmetic preparations for skin care, cosmetic preparations for hair care, cosmetic preparations for anti-aging, cosmetic preparations for sun protection, cosmetic preparations for colour enhancement, cosmetic preparations for skin vitalization, cosmetic preparations for moisturizing, cosmetic preparations for rheology modification, cosmetic preparations for rheology stabilization, cosmetic preparations for sensory enhancement, cosmetic preparations for photostabilization of ingredients, cosmetic preparations

for thermal stabilization of ingredients, cosmetic preparations for protection ingredients from oxidation, cosmetic preparations for spray applications, cosmetic preparations for nourishing serums for dry skin, cosmetic preparations for acne treatment, cosmetic preparations for face masks and packs, cosmetic preparations for films, cosmetic preparations for liquid hand foams and creams, cosmetic preparations for shower gels, cosmetic preparations for emulsion stabilization, cosmetic preparations for improved distribution of ingredients, cosmetic preparations for low viscosity formulations, cosmetic preparations for enhanced skin moisture, cosmetic preparations for enhanced skin elasticity, cosmetic preparations for reduced transepidermal water loss, cosmetic preparations for low humidity environments, cosmetic preparations for high humidity environments cosmetic preparations for anti-wrinkle applications, cosmetic preparations for decreased skin pore area, cosmetic preparations for skin energizing, cosmetic preparations for enhanced skin respiration, cosmetic preparations for boosting epidermal defense and repair, cosmetic preparations for improved skin barrier functioning, cosmetic preparations for stimulation of hair follicles. edible preparations for nutrition, edible preparations for rheology modification, edible preparations for rheology stabilization, edible preparations for photostabilization of ingredients, edible preparations for thermal stabilization of ingredients, edible preparations for protection ingredients from oxidation, edible preparations for spray drying applications, edible preparations for emulsion stabilization, edible preparations for improved distribution of ingredients, edible preparations for low viscosity formulations, edible preparations for low humidity environments, edible preparations for high humidity environments, edible preparations for skin energizing, edible preparations for boosting epidermal defense and repair, edible preparations for vitamin stabilization, edible preparations for UV protection of ingredients, edible preparations for functional foods and beverages, edible

preparations for dietary supplements, edible preparations for films, edible preparations for stabilizing ingredients, edible preparations for stabilizing ingredients during spray drying, edible preparations for enhanced mouth feel, edible preparations for enhancing shear-sensitive rheology or thixotropy, edible preparations for enhanced shelf life, edible preparations for improved stability of emulsions, edible preparations for stimulation of hair follicles, edible preparations for boosting the immune system, edible preparations for sports drinks, edible preparations for endurance athletics, edible preparations for enhanced bioavailability, edible preparations for reduced bioavailability, edible preparations for anti-inflammatories, biomedical preparations for antimicrobials, biomedical preparations for vaccine adjuvants, biomedical preparations for drug delivery, biomedical preparations for topical application, biomedical preparations for antivirals, biomedical preparations for immunomodulation, biomedical preparations for medical imaging, biomedical preparations for eye drops, biomedical preparations for injectables, biomedical preparations for animal health, biomedical preparations for human health, biomedical preparations for lubrication of living tissue, biomedical preparations for lubrication of medical devices, biomedical preparations for excipients, biomedical preparations for wound healing, biomedical preparations for anti-inflammatories” in Class 3.

3. On June 22, 2015, the United States Patent and Trademark Office refused to register Petitioner’s Mark based on an alleged likelihood of confusion with the mark MYREXIS in United States Trademark Registration No. 4,049,986. That registration covers “pharmaceutical preparations and substances for the treatment of viral, bacterial, infectious, genetic, auditory, hematological, reproductive, lymphatic, metabolic, endocrine, musculoskeletal, cardiovascular, cardiopulmonary, genitourinary, sexual dysfunction, oncological, hepatological, ophthalmic, respiratory, neurological, gastrointestinal, hormonal,

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