

## Request for Reconsideration after Final Action

**The table below presents the data as entered.**

Input Field	Entered
<b>SERIAL NUMBER</b>	79125129
<b>LAW OFFICE ASSIGNED</b>	LAW OFFICE 104
<b>MARK SECTION (no change)</b>	
<b>GOODS AND/OR SERVICES SECTION (005)(current)</b>	
<b>INTERNATIONAL CLASS</b>	005
<b>DESCRIPTION</b>	
<p>Pharmaceutical preparations and substances for the prevention and treatment of disorders and diseases in, generated from or affecting the central nervous system; pharmaceutical preparations and substances acting on the central nervous system; central nervous system stimulants; pharmaceutical preparations and substances for the prevention and treatments of psychiatric and neurological diseases and disorders; pharmaceutical preparations and substances for the prevention and treatments of Alzheimer's disease, depression, psychosis, anxiety, epilepsy, sclerosis, porphyria, Huntington's disease, insomnia, Parkinson disease, schizophrenia, bipolar disorder, oncology, pain, alcoholism and dependency; diagnostic agents, preparations and substances for medical purposes</p>	
<b>GOODS AND/OR SERVICES SECTION (005)(proposed)</b>	
<b>INTERNATIONAL CLASS</b>	005
<b>TRACKED TEXT DESCRIPTION</b>	
<p>Pharmaceutical preparations and substances for the prevention and treatment of disorders and diseases in, generated from or affecting the central nervous system; pharmaceutical preparations and substances acting on the central nervous system; central nervous system stimulants; <del>pharmaceutical preparations and substances for the prevention and treatments of psychiatric and neurological diseases and disorders;</del> <a href="#">pharmaceutical preparations and substances for the prevention and treatments of psychiatric and neurological diseases and disorders, depression, psychosis, anxiety, epilepsy, Huntington's disease, insomnia, schizophrenia, preparations and substances for medical purposes.</a>; <del>pharmaceutical preparations and substances for the prevention and treatments of Alzheimer's disease, depression, psychosis, anxiety, epilepsy, sclerosis, porphyria, Huntington's disease, insomnia, Parkinson disease, schizophrenia, bipolar disorder, oncology, pain, alcoholism and dependency;</del> <del>diagnostie agents, preparations and substances for medical purposes</del></p>	
<b>FINAL DESCRIPTION</b>	

Pharmaceutical preparations and substances for the prevention and treatment of disorders and diseases in, generated from or affecting the central nervous system; pharmaceutical preparations and substances acting on the central nervous system; central nervous system stimulants; pharmaceutical preparations and substances for the prevention and treatments of psychiatric and neurological diseases and disorders, depression, psychosis, anxiety, epilepsy, Huntington's disease, insomnia, schizophrenia, preparations and substances for medical purposes.

**GOODS AND/OR SERVICES SECTION (009)(class deleted)**

**GOODS AND/OR SERVICES SECTION (010)(class deleted)**

**GOODS AND/OR SERVICES SECTION (016)(class deleted)**

**GOODS AND/OR SERVICES SECTION (035)(class deleted)**

**GOODS AND/OR SERVICES SECTION (040)(class deleted)**

**GOODS AND/OR SERVICES SECTION (041)(class deleted)**

**GOODS AND/OR SERVICES SECTION (042)(class deleted)**

**GOODS AND/OR SERVICES SECTION (044)(class deleted)**

**ADDITIONAL STATEMENTS SECTION**

<b>SECTION 2(f) Claim of Acquired Distinctiveness, based on Use</b>	The mark has become distinctive of the goods/services through the applicant's substantially exclusive and continuous use in commerce that the U.S. Congress may lawfully regulate for at least the five years immediately before the date of this statement.
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<b>MISCELLANEOUS STATEMENT</b>	In response to the surname refusal, Applicant submits the attached Declaration of Acquired Distinctiveness Under Section 2(f) with regard to the amended Class 5 goods as indicated.
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**MISCELLANEOUS FILE NAME(S)**

<b>ORIGINAL PDF FILE</b>	<a href="#">mis-3811218420-20141001104656201870_..Declaration.pdf</a>
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<b>CONVERTED PDF FILE(S) (2 pages)</b>	<a href="#">\\TICRS\EXPORT16\IMAGEOUT16\791\251\79125129\xml22\RFR0002.JPG</a>
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	<a href="#">\\TICRS\EXPORT16\IMAGEOUT16\791\251\79125129\xml22\RFR0003.JPG</a>
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**SIGNATURE SECTION**

<b>DECLARATION SIGNATURE</b>	/Claudia A. Smith/
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<b>SIGNATORY'S NAME</b>	Claudia A. Smith
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<b>SIGNATORY'S POSITION</b>	Attorney for Applicant, NY bar member
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<b>SIGNATORY'S PHONE NUMBER</b>	212-819-8200
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<b>DATE SIGNED</b>	10/01/2014
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<b>RESPONSE SIGNATURE</b>	/Claudia A. Smith/
<b>SIGNATORY'S NAME</b>	Claudia A. Smith
<b>SIGNATORY'S POSITION</b>	Attorney for Applicant, NY bar member
<b>SIGNATORY'S PHONE NUMBER</b>	212-819-8200
<b>DATE SIGNED</b>	10/01/2014
<b>AUTHORIZED SIGNATORY</b>	YES
<b>CONCURRENT APPEAL NOTICE FILED</b>	YES
<b>FILING INFORMATION SECTION</b>	
<b>SUBMIT DATE</b>	Wed Oct 01 12:31:27 EDT 2014
<b>TEAS STAMP</b>	USPTO/RFR-38.112.184.20-2 0141001123127300533-79125 129-50064b943ac8a3777d571 1a8ad1fa2311abbea0d3f1aaf ce4a3a6641c2ab231c3-N/A-N /A-20141001104656201870

## **Request for Reconsideration after Final Action To the Commissioner for Trademarks:**

Application serial no. **79125129** has been amended as follows:

### **CLASSIFICATION AND LISTING OF GOODS/SERVICES**

**Applicant hereby deletes the following class of goods/services from the application.**

Class 009 for Downloadable electronic publications in the nature of books, reports, brochures, booklets, leaflets, patient information leaflets, magazines, journals, teaching and educational material in the fields of biotechnology, scientific research and development, science, clinical testing, diagnostics, medicine, pharmaceuticals, disorders, diseases, treatments of diseases and disorders and prevention of diseases and disorders; computer software for collecting, analyzing, editing, organizing, modifying, bookmarking, displaying, printing, transmitting, storing and sharing medical and pharmaceutical data and information; computer software for collecting, analyzing, editing, organising, modifying, bookmarking, displaying, printing, transmitting, storing and sharing data and information in the fields of sales and marketing; educational software featuring instruction in the fields of biotechnology, scientific research and

development, science, clinical testing, diagnostics, medicine, pharmaceuticals, diseases, and disorders, treatments of diseases and disorders and prevention of diseases and disorders; computer software to develop, install, operate, update, and use applications for websites and Intranets, namely, computer software that provides web-based access to applications and services through a web operating system or portal interface; data processing equipment and computers

**Applicant hereby deletes the following class of goods/services from the application.**

Class 010 for Apparatus and instruments for medical and diagnostic and injection purposes, including those apparatus and instruments sold with a test kit, namely, medical apparatus and instruments for treating disorders and diseases of the central nervous system, medical apparatus and instruments for diagnosing disorders and diseases of the central nervous system, drug delivery systems, hypodermic needles, hypodermic and medical syringes; diagnostic kits containing test strips, test meter and control solutions, namely, blood glucose meters and medical kits for diagnostic or treatment purposes; diagnostic kits consisting primarily of probes, buffers and reagents for use in microbial testing; medical pumps, namely, infusion pumps for delivering measured amounts of solutions into the bloodstream over time and vacuum pumps for medical purposes; medical pens, namely, pen needles; sample handlers, medical specimen bags for holding body tissue samples for testing purposes and medical devices for obtaining body fluid samples; sample preparation equipment, namely, apparatus for taking blood samples and sample preparation devices for medical diagnostic uses; equipment for testing bodily fluids for medical diagnosis; devices for measuring blood sugar

**Applicant hereby deletes the following class of goods/services from the application.**

Class 016 for Printed matter, namely, instructional books and booklets containing information regarding pharmaceuticals and medicine; publications, namely, magazines, newsletters, leaflets, patient information leaflets and folders containing information regarding pharmaceuticals and medicine

**Applicant hereby deletes the following class of goods/services from the application.**

Class 035 for Wholesale and retail store services featuring pharmaceuticals; promotion and advertising services in the fields of biotechnology, scientific research and development, science, clinical testing, diagnostics, medicine, pharmaceuticals, disorders, diseases, treatments of diseases and disorders and prevention of diseases and disorders

**Applicant hereby deletes the following class of goods/services from the application.**

Class 040 for Treatment of chemical and pharmaceutical preparations and substances, namely, milling, grinding, mixing, compressing, and melting of pharmaceutical, medicinal, biotechnical and bacteriological substances, preparations, formulations and solutions, for use in the pharmaceutical and medical industries; consulting in relation to the treatment of chemical and pharmaceutical preparations and substances

**Applicant hereby deletes the following class of goods/services from the application.**

Class 041 for Arranging and conducting seminars, conferences, symposiums, training workshops and courses in the field of medicine; training services in the fields of biotechnology, scientific research and development, science, clinical testing, diagnostics, medicine, pharmaceuticals, disorders, diseases, treatments of diseases and disorders and prevention of diseases and disorders; educational services, namely, conducting lectures, classes, seminars, conferences, workshops, and programs in the fields of biotechnology, scientific research and development, science, clinical testing, diagnostics, medicine, pharmaceuticals, disorders, diseases, treatments of diseases and disorders and prevention of diseases and disorders and distribution of course materials in connection therewith; providing non-downloadable publications in the nature of books, reports, brochures, booklets, leaflets, patient information leaflets, magazines, journals, teaching and educational material in the fields of biotechnology, scientific research and development, science, clinical testing, diagnostics, medicine, pharmaceuticals, disorders, diseases,

treatments of diseases and disorders and prevention of diseases and disorders

**Applicant hereby deletes the following class of goods/services from the application.**

Class 042 for Scientific and technological services, namely, research and design in the field of medicines; design and development of computer software in the field of medicine; providing scientific information in the fields of biotechnology, scientific research and development, science, clinical testing, diagnostics, medicine, pharmaceuticals, disorders, diseases, treatments of diseases and disorders and prevention of diseases and disorders; providing on-line non-downloadable software for collecting, analyzing, editing, organizing, modifying, bookmarking, displaying, printing, transmitting, storing and sharing data and information in the fields of biotechnology, scientific research and development, science, clinical testing, diagnostics, medicine, pharmaceuticals, disorders, diseases, treatments of diseases and disorders and prevention of diseases and disorders; providing information via an on-line website in the fields of biotechnology, scientific research and development, science, clinical testing; providing an Internet website portal offering information in the fields of biotechnology, scientific research and development, science, clinical testing, diagnostics, medicine, pharmaceuticals, disorders, diseases, treatments of diseases and disorders and prevention of diseases and disorders; pharmaceutical research and development; scientific and technological services, namely, scientific and medical research, analysis and testing in the fields of diseases and disorders, treatments of diseases and disorders and prevention of diseases and disorders; medical research; research and development in the field of diagnostic preparations; conducting clinical trials for others; research and development in the fields of clinical trials and diagnostics

**Applicant hereby deletes the following class of goods/services from the application.**

Class 044 for Medical services; psychiatric services; psychological testing and counseling services; consulting and advice in the field of pharmaceuticals; medical clinic services; healthcare services, namely, treatment of patients with diseases and disorders of the central nervous system; therapeutic treatment services, namely, anxiety and stress management services, depression treatment services, insomnia treatment services and pain management; medical services related to central nervous system related disorders, diseases and pharmaceuticals; providing medical and pharmaceutical information in the fields of diagnostics, medicine, pharmaceuticals, disorders, diseases, treatments of diseases and disorders and prevention of diseases and disorders; providing information via an on-line website in the fields of diagnostics, medicine, pharmaceuticals, disorders, diseases, treatments of diseases and disorders and prevention of diseases and disorders

**Applicant proposes to amend the following class of goods/services in the application:**

**Current:** Class 005 for Pharmaceutical preparations and substances for the prevention and treatment of disorders and diseases in, generated from or affecting the central nervous system; pharmaceutical preparations and substances acting on the central nervous system; central nervous system stimulants; pharmaceutical preparations and substances for the prevention and treatments of psychiatric and neurological diseases and disorders; pharmaceutical preparations and substances for the prevention and treatments of Alzheimer's disease, depression, psychosis, anxiety, epilepsy, sclerosis, porphyria, Huntington's disease, insomnia, Parkinson disease, schizophrenia, bipolar disorder, oncology, pain, alcoholism and dependency; diagnostic agents, preparations and substances for medical purposes  
Original Filing Basis:

**Filing Basis Section 66(a)** , Request for Extension of Protection to the United States. Section 66(a) of the Trademark Act, 15 U.S.C. §1141f.

**Proposed:**

**Tracked Text Description:** Pharmaceutical preparations and substances for the prevention and treatment of disorders and diseases in, generated from or affecting the central nervous system; pharmaceutical

preparations and substances acting on the central nervous system; central nervous system stimulants; ~~pharmaceutical preparations and substances for the prevention and treatments of psychiatric and neurological diseases and disorders~~; [pharmaceutical preparations and substances for the prevention and treatments of psychiatric and neurological diseases and disorders, depression, psychosis, anxiety, epilepsy, Huntington's disease, insomnia, schizophrenia, preparations and substances for medical purposes.](#); ~~pharmaceutical preparations and substances for the prevention and treatments of Alzheimer's disease, depression, psychosis, anxiety, epilepsy, sclerosis, porphyria, Huntington's disease, insomnia, Parkinson disease, schizophrenia, bipolar disorder, oncology, pain, alcoholism and dependency; diagnostic agents, preparations and substances for medical purposes~~

Class 005 for Pharmaceutical preparations and substances for the prevention and treatment of disorders and diseases in, generated from or affecting the central nervous system; pharmaceutical preparations and substances acting on the central nervous system; central nervous system stimulants; pharmaceutical preparations and substances for the prevention and treatments of psychiatric and neurological diseases and disorders, depression, psychosis, anxiety, epilepsy, Huntington's disease, insomnia, schizophrenia, preparations and substances for medical purposes.

**Filing Basis Section 66(a)** , Request for Extension of Protection to the United States. Section 66(a) of the Trademark Act, 15 U.S.C. §1141f.

#### **ADDITIONAL STATEMENTS**

##### **Section 2(f) Claim of Acquired Distinctiveness, based on Use**

The mark has become distinctive of the goods/services through the applicant's substantially exclusive and continuous use in commerce that the U.S. Congress may lawfully regulate for at least the five years immediately before the date of this statement.

##### **Miscellaneous Statement**

In response to the surname refusal, Applicant submits the attached Declaration of Acquired Distinctiveness Under Section 2(f) with regard to the amended Class 5 goods as indicated.

##### **Original PDF file:**

[mis-3811218420-20141001104656201870\\_.\\_Declaration.pdf](#)

**Converted PDF file(s)** ( 2 pages)

[Miscellaneous File1](#)

[Miscellaneous File2](#)

##### **SIGNATURE(S)**

##### **Declaration Signature**

DECLARATION: The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements and the like may jeopardize the validity of the application or submission or any registration resulting therefrom, declares that, if the applicant submitted the application or amendment to allege use (AAU) unsigned, all statements in the application or AAU and this submission based on the signatory's own knowledge are true, and all statements in the application or AAU and this submission made on information and belief are believed to be true.

STATEMENTS FOR UNSIGNED SECTION 1(a) APPLICATION/AAU: If the applicant filed an

unsigned application under 15 U.S.C. Section 1051(a) or AAU under 15 U.S.C. Section 1051(c), the signatory additionally believes that: the applicant is the owner of the trademark/service mark sought to be registered; the applicant or the applicant's related company or licensee is using the mark in commerce and has been using the mark in commerce as of the filing date of the application or AAU on or in connection with the goods/services in the application or AAU, and such use by the applicant's related company or licensee inures to the benefit of the applicant; the original specimen(s), if applicable, shows the mark in use in commerce as of the filing date of the application or AAU on or in connection with the goods/services in the application or AAU; and to the best of the signatory's knowledge and belief, no other person has the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion or mistake, or to deceive.

STATEMENTS FOR UNSIGNED SECTION 1(b)/SECTION 44 APPLICATION: If the applicant filed an unsigned application under 15 U.S.C. Section 1051(b), Section 1126(d), and/or Section 1126(e), the signatory additionally believes that: the applicant is entitled to use the mark in commerce; the applicant has a bona fide intention and has had a bona fide intention as of the application filing date to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the goods/services in the application; and to the best of the signatory's knowledge and belief, no other person has the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion or mistake, or to deceive.

Signature: /Claudia A. Smith/ Date: 10/01/2014  
Signatory's Name: Claudia A. Smith  
Signatory's Position: Attorney for Applicant, NY bar member  
Signatory's Phone Number: 212-819-8200

**Request for Reconsideration Signature**

Signature: /Claudia A. Smith/ Date: 10/01/2014  
Signatory's Name: Claudia A. Smith  
Signatory's Position: Attorney for Applicant, NY bar member

Signatory's Phone Number: 212-819-8200

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the applicant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the applicant in this matter: (1) the applicant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the applicant has filed a power of attorney appointing him/her in this matter; or (4) the applicant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

The applicant is filing a Notice of Appeal in conjunction with this Request for Reconsideration.

Serial Number: 79125129

Internet Transmission Date: Wed Oct 01 12:31:27 EDT 2014  
TEAS Stamp: USPTO/RFR-38.112.184.20-2014100112312730  
0533-79125129-50064b943ac8a3777d5711a8ad  
1fa2311abbea0d3f1aafce4a3a6641c2ab231c3-  
N/A-N/A-20141001104656201870



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: H. Lundbeck A/S  
Serial No.: 79/125129  
Filed: December 14, 2011  
Mark: LUNDBECK  
Examining Attorney: Keri-Marie Cantone  
Law Office: 104

**DECLARATION OF ACQUIRED DISTINCTIVENESS UNDER SECTION 2(f)**

The Applicant declares that the mark has become distinctive of the goods/services recited in the above-reference application through the Applicant's substantially exclusive and continuous use in commerce that the U.S. Congress may lawfully regulate for at least the five years immediately before the date of this statement.

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements and the like may jeopardize the validity of the application or document or any resulting registration, declares that he/she is properly authorized to execute this statement on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered; and all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.



Trademark: LUNDBECK  
Serial No.: 79/125129

I declare under penalty of perjury under the laws of the United States of America  
that the foregoing is true and correct.

Executed on this 1st day of October 2014.

H. Lundbeck A/S  
*Applicant*

Kristiane Vandborg  
Attorney-at-Law  
H. Lundbeck A/S  
Ottillavej 9 · 2500 Valby  
Denmark  
Ph: +45 3630 1311



Signature of Applicant

Signatory's Name: Kristiane Vandborg

Signatory's Title: Head of Trademarks,  
Attorney-at-law