

ESTTA Tracking number: **ESTTA743373**

Filing date: **04/29/2016**

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

Proceeding	86277037
Applicant	Bial - Portela & Ca., S.A.
Applied for Mark	APTIOM
Correspondence Address	DIANE B MELNICK POWLEY & GIBSON PC 304 HUDSON ST FL 2 NEW YORK, NY 10013-1027 UNITED STATES trademarks@powleygibson.com, dbmelnick@powleygibson.com
Submission	Applicant's Request to Extend
Attachments	APTIOM class 16 req for EOT to file brief.pdf(304020 bytes )
Filer's Name	Diane B. Melnick
Filer's e-mail	trademarks@powleygibson.com, dbmelnick@powleygibson.com
Signature	/diane b melnick/
Date	04/29/2016

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

Application Serial No.: 86/277037  
Trademark: APTIOM  
International Class: 16  
Applicant: Bial - Portela & Ca., S.A.  
Filing Date: May 9, 2014  
*Ex Parte* Appeal Date: November 4, 2015

**SECOND REQUEST FOR EXTENSION OF TIME TO FILE APPEAL BRIEF**

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Applicant hereby requests a three (3) month Extension of Time in which to file its Appeal Brief, until August 8, 2016 (August 7, 2016 being a Sunday), under TBMP §1203.02(d). This request is supported by good cause, specifically, ongoing negotiations for an agreement with the owner of the cited registration. *See* Declaration appended hereto.

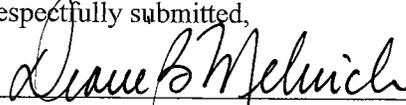
As noted in the previous Request: "in light of the License Agreement between Applicant and the U.S.-based wholly-owned subsidiary of the owner of the cited registration, Sumitomo Dainippon Pharma Co., Ltd. (hereinafter "SDP"), which stipulates that ownership of the brand is held by the Applicant, Applicant is seeking an agreement with SDP that will allow the applied-for mark to be registered, by assignment or consent/co-existence. Additional time is necessary for the negotiations relevant to the aforementioned agreement."

Applicant and SDP are continuing their negotiations, and Applicant is making good faith efforts towards the resolution of this matter. Accordingly, a further Extension of Time is warranted.

The TTAB has granted a comparable extension of time in the companion applications in Class 5 (Application Serial No. 86/276883) and in Classes 42/44 (Serial No. 86/277162). *See* attached Orders.

Date: 4/29/2016

Respectfully submitted,

  
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Powley & Gibson, P.C.  
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New York, New York 10013  
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Attorneys for Applicant,  
Bial - Portela & Ca., S.A.

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

Application Serial Nos.: 86/276883; 86/277037; and 86/277162  
Trademark: APTIOM  
International Classes: 5; 16; 42 and 44  
Applicant: Bial - Portela & Ca., S.A.

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**DECLARATION IN SUPPORT OF SECOND REQUEST  
FOR EXTENSION OF TIME TO FILE APPEAL BRIEF**

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We, Isabel Morgado and José Redondo, are Members of the Board of Applicant Bial - Portela & Ca., S.A. ("Applicant") and we make this Declaration in support of Applicant's Second Request for an Extension of Time to file an Appeal Brief.

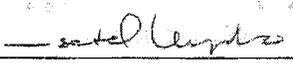
1. Applicant is a party to a License Agreement with Sunovion Pharmaceuticals Inc. ("Sunovion"), which is a U.S.-based wholly-owned subsidiary of the owner of the cited registration, Sumitomo Dainippon Pharma Co., Ltd. ("SDP").
2. That License Agreement concerns pharmaceutical preparations intended for the treatment of conditions of the central nervous system.
3. That License Agreement provides that the ownership of the brand for those pharmaceuticals, including the trademark APTIOM, resides in Applicant.
4. Applicant and Sunovion are engaged in good faith negotiations regarding specific terms of the License Agreement.
5. One of the goals of the negotiations is an agreement with SDP (through its subsidiary Sunovion) that will allow the applied-for mark to be registered through the assignment of the cited registration (U.S. Reg. No. 3,727,530).
6. Those negotiations are ongoing at this time and will not be concluded before the upcoming deadline to file an Appeal Brief. Applicant is making good faith efforts to resolve this matter in a timely manner.
7. If the negotiations are successful, the Appeal will be moot and the application will proceed for further examination.

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 all statements made on his/her own knowledge are true and all statements made on information and belief are believed to be true.

Respectfully submitted,

**Bial - Portela & C<sup>o</sup>, S.A.**

Dated: 14<sup>th</sup> April 2016

By: 

Name: Isabel Morgado

Title: Member of the Board

Dated: 14<sup>th</sup> April 2016

By: 

Name: José Redondo

Title: Member of the Board

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451  
General Contact Number: 571-272-8500

Mailed: April 28, 2016

In re *Bial - Portela & Ca., S.A.*

Serial No. 86277162

Filed: 5/9/2014

**Monique Tyson, Paralegal Specialist:**

The request for an extension of time filed April 27, 2016 is approved and applicant is allowed until August 2, 2016 in which to file its brief herein.

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451  
General Contact Number: 571-272-8500

Mailed: April 22, 2016

In re *Bial - Portela & Ca., S.A.*

Serial No. 86276883

Filed: 5/9/2014

**Veronica P. White, Paralegal Specialist:**

The request for an extension of time filed April 15, 2016 is approved and Applicant is allowed until **July 22, 2016** in which to file its brief herein.