

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

csg/vw

Mailed: January 24, 2014

Opposition No. 91211284

Maria Clementine Martin
Klosterfrau
Vertriebsgesellschaft m.b.H

v.

Emmaus Medical, Inc.

On December 19, 2013, the parties filed applicant's proposed amendment to its application Serial No. 85582217, with opposer's consent, and opposer's withdrawal without prejudice of the opposition, contingent upon entry of the amendment.¹ By the proposed amendment, applicant seeks to change the identification of goods in International Class 5 as follows:

From:

"Dietary and nutritional supplements; pharmaceutical preparations for the treatment of cardiovascular, central nervous system, endocrine, gastrointestinal, genetic immunological, infectious, inflammatory, menopausal, metabolic, autoimmune, musculoskeletal, neurological, ophthalmological, psychiatric,

¹ Applicant's submission fails to indicate proof of service on opposer, as required by Trademark Rule 2.119. In order to expedite this matter, a copy of said filing can be viewed at: <http://ttabvue.uspto.gov/ttabvue/v?pno=91211284&pty=OPP&eno=15>. *Strict compliance with the Trademark Rules is expected in future submissions to the Board.* Additionally, applicant's previous motion to amend filed the same day which was intended for Opposition No. 91211282 is considered superseded by the subsequent motion. In view thereof, the filing will not be considered.

respiratory, urogenital, urological and viral diseases and disorders; pharmaceutical preparations for the treatment of erectile dysfunction, sexual dysfunction, cancer, pain and diabetes; pharmaceutical preparations for use in hematology; pharmaceutical preparations, namely, antifungal preparations, dermatological preparations, smoking cessation preparations, and tissue repair preparations; vaccines for human use."

To:

"Pharmaceutical preparations, namely preparations including glutamine for use in hematology."

Inasmuch as the amendment is clearly limiting in nature as required by Trademark Rule 2.71(a), and because opposer consents thereto, it is approved and entered. See Trademark Rule 2.133(a).

The contingency in opposer's withdrawal having now been met, the opposition is dismissed without prejudice.

***By the Trademark Trial
and Appeal Board***