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

Proceeding	91219769
Party	Defendant NXThera, Inc.
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Date	10/14/2015
Attachments	CONSENT MOTION TO AMEND APPLICATION.pdf(43358 bytes)

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

Novartis AG,

Opposer,

v.

NxThera, Inc.

Applicant.

Opposition No.
91219769

Application S.N.
86/075,496

APPLICANT'S CONSENT MOTION TO AMEND APPLICATION

Pursuant to 37 C.F.R. § 2.133 and § 514 of the Trademark Board Manual of Procedures, Applicant NxThera, Inc., through its attorneys, hereby respectfully moves the Board to amend the opposed application at issue in the instant case, specifically portions of the identification of goods and services contained therein. Opposer Novartis AG has consented to this Motion to Amend Application.

Applicant requests the following changes to the Class 010 goods set forth in Application S.N. 86/075,496 (proposed new language underlined):

Medical devices for use in treating kidney cancer and other kidney conditions; medical devices comprised of energy control systems, an energy supply, an electronic control unit, and a fluid supply unit, all sold as a unit and all for use in treating kidney cancer and other kidney conditions; all of the foregoing excluding devices for treatment of ocular or ophthalmic conditions or otherwise intended for use in eye care.

such that the identification of goods be amended to state:

Medical devices for use in treating kidney cancer and other kidney conditions; medical devices comprised of energy control systems, an energy supply, an electronic control

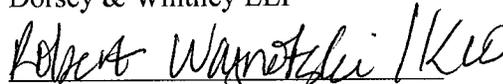
unit, and a fluid supply unit, all sold as a unit and all for use in treating kidney cancer and other kidney conditions; all of the foregoing excluding devices for treatment of ocular or ophthalmic conditions or otherwise intended for use in eye care.

In compliance with 37 C.F.R. § 2.71(a), the proposed amendment serves to clarify and limit but in no way broaden the identification of goods.

WHEREFORE, Applicant requests that the Board amend the opposed application in the manner described above.

Dated: October 14, 2015

Dorsey & Whitney LLP



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CERTIFICATE OF SERVICE

I hereby certify that a true copy of this Consent Motion to Amend Applications was served upon Opposer's attorney of record, via email, pursuant to agreement by the parties, as follows:

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on this date of October 14, 2015.


Robert M. Wasnofski