

ESTTA Tracking number: **ESTTA668875**

Filing date: **04/27/2015**

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

Proceeding	91220279
Party	Defendant Majid M. Seraj, Pharm.D.
Correspondence Address	MAJID M. SERAJ, PHARM.D. 1849 W REDLANDS BLVD STE 102 REDLANDS, CA 92373-3127 msullivan@mikesullivanlaw.com
Submission	Other Motions/Papers
Filer's Name	Michael J. Sullivan
Filer's e-mail	msullivan@mikesullivanlaw.com
Signature	/Michael J. Sullivan/
Date	04/27/2015
Attachments	Settlement and Motion to Amend - Canthera.pdf(89425 bytes)

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

In the Matter of Application Serial No. 86/269,204
Mark: **CANTHERA**
Published in the Official Gazette of Sept. 23, 2014

Santhera Pharmaceuticals Holding AG,

Opposer,

v.

Majid M. Seraj, Pharm.D.,

Applicant.

Opposition No.: 91220279

STIPULATION AND NOTICE OF SETTLEMENT TO TTAB

Applicant Majid M. Seraj, Pharm.D. (“Applicant”) and Opposer Santhera Pharmaceuticals Holding AG (“Opposer”) have entered into a Settlement Agreement dated April 20, 2015 which settles the above referenced opposition proceeding.

Pursuant to the terms of the Settlement Agreement, Opposer consents to an amendment of Application Serial No. 86/269,204 by Applicant to amend the description of goods and services as set forth in the attached Motion to Amend.

In the event that the amendment to the Application is granted, Applicant and Opposer request that the opposition proceeding be dismissed on a without prejudice basis, and any remaining extensions of time to oppose held by Applicant for Application Serial Nos. 86/408,355, 86/406,197 and 86/370,447 will be relinquished.

In the event the amendment to the Application is not granted, the opposition proceeding shall continue undismissed and Applicant does not relinquish any extensions of time to oppose.

Respectfully submitted,

Date: April 20, 2015

By: Michael J. Sullivan/
Michael J. Sullivan
Law Office of Michael J. Sullivan
111 N. Market St., Suite 300
San Jose, CA 95113
msullivan@mikesullivanlaw.com
Attorney for Applicant

Consented to on behalf of Opposer:

Date: April 27, 2015

By: 
Patrick J. Concannon
Locke Lord LLP
F.D.R. Station, P.O. Box 130
New York, NY 10150
Attorney for Opposer

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

In the Matter of Application Serial No. 86/269,204
Mark: **CANTHERA**
Published in the Official Gazette of Sept. 23, 2014

Santhera Pharmaceuticals Holding AG,

Opposer,

v.

Majid M. Seraj, Pharm.D.,

Applicant.

Opposition No.: 91220279

MOTION TO AMEND APPLICATION SERIAL NO. 86/269,204

Pursuant to the Settlement Agreement entered into by Applicant Majid M. Seraj, Pharm.D. (“Applicant”) and Opposer Santhera Pharmaceuticals Holding AG (“Opposer”) on April 20, 2015, Applicant hereby respectfully moves to amend the description of goods and services in its Application Serial No. 86/269,204 as follows:

~~Pharmaceutical preparations acting on the central nervous system; Pharmaceutical preparations for use in chemotherapy; Pharmaceutical preparations, namely, an analgesic for human consumption taken orally; Pharmaceutical products for ophthalmological use; Pharmaceuticals, namely, psychotropics and substances for the treatment and prevention of mood disorders, psychosis, anxiety, epilepsy, pain management and nausea~~

As amended, the description of goods and services should read:

Pharmaceutical preparations and substances for the treatment and prevention of mood disorders, psychosis, anxiety, epilepsy, pain management and nausea

WHEREFORE, Applicant prays that its motion be granted and Application Serial No. 86/269,204 be amended accordingly.

Applicant requests that the proceedings be otherwise suspended pending the determination of this motion.

Respectfully submitted,

Date: April 20, 2015

By: Michael J. Sullivan/
Michael J. Sullivan
Law Office of Michael J. Sullivan
111 N. Market St., Suite 300
San Jose, CA 95113
msullivan@mikesullivanlaw.com
Attorney for Applicant

Consented to on behalf of Opposer:

Date: April 27, 2015

By:


Patrick J. Concannon
Locke Lord LLP
F.D.R. Station, P.O. Box 130
New York, NY 10150
Attorney for Opposer

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing Stipulation and Notice of Settlement to TTAB and accompanying Motion to Amend Application Serial No. 86/269,204 has been duly served on Patrick J. Concannon, counsel for the Opposer on April 27, 2015, via First Class U.S. Mail, postage prepaid to:

Patrick J. Concannon
Locke Lord LLP
F.D.R. Station, P.O. Box 130
New York, NY 10150

/Michael J. Sullivan/
Michael J. Sullivan