

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

RK

Mailed: August 17, 2016

Opposition No. **91221750**

*Incyte Corporation and
Incyte Holdings Corporation*

v.

Kent A. Murphy

Yong Oh (Richard) Kim, Interlocutory Attorney:

On August 12, 2016, Applicant filed a proposed amendment to its **Application Serial No. 86141367**, with Opposer's consent.

By the proposed amendment, applicant seeks to amend its mark from **ncyte** in standard character form to **nCyte** in stylized form with the letter "C" capitalized and the remaining letters in lowercase form. A drawing page depicting the amended mark was submitted as part of the motion.

Inasmuch as the amendment does not constitute a material alteration of the mark as published, is not prohibited under Trademark Rule 2.72(a)(2), and because Opposer consents thereto, it is **APPROVED** and entered. *See* Trademark Rule 2.133(a).

If this resolves the dispute herein, Opposer is allowed until **SEPTEMBER 12, 2016**, to file a withdrawal of the opposition, failing which

the opposition will go forward on the application as amended in accordance with the following schedule:

Expert Disclosures Due	10/3/2016
Discovery Closes	11/2/2016
Plaintiff's Pretrial Disclosures Due	12/17/2016
Plaintiff's 30-day Trial Period Ends	1/31/2017
Defendant's Pretrial Disclosures Due	2/15/2017
Defendant's 30-day Trial Period Ends	4/1/2017
Plaintiff's Rebuttal Disclosures Due	4/16/2017
Plaintiff's 15-day Rebuttal Period Ends	5/16/2017

IN EACH INSTANCE, a copy of the transcript of testimony, together with copies of documentary exhibits, must be served on the adverse party within **THIRTY DAYS** after completion of taking of testimony. Trademark Rule 2.125.

Briefs shall be filed in accordance with Trademark Rule 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.

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