

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the matter of:

EXIQON A/S

U.S. Serial No.: 76/038,881

Filed: May 1, 2000

Examining Attorney:

Jeffrey S. DeFord

Mark: CUREON

Law Office: 115

Honorable Assistant Commissioner for Trademarks
2900 Crystal Drive
Arlington, Virginia 22202-3513

Sir:

SECOND AMENDMENT AFTER PUBLICATION

Applicant filed an Amendment After Publication on January 21, 2003 pursuant to a settlement agreement with the potential opposer. The undersigned has not seen the Settlement Agreement, and evidently further amendments are required to conform Applicant's identification to that Agreement. Applicant has therefore deleted the phrase "gastroenterological diseases" from the identifications in all classes in order to comply with the settlement agreement.

Entry of the amended identification of goods and services set forth below is therefore respectfully requested:

International Class 1 -- Chemicals used in the manufacture of research tools, drug discovery tools, drugs candidates and drugs for use in the pharmaceutical, biotechnological, and veterinary industry and science; chemical reagents for scientific and research use; chemical substances for laboratory analysis use in research and development; chemicals for use as a

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research tool for scientific and research use; none of the foregoing goods being for gastrointestinal preparations; --

International Class 5 -- Pharmaceutical and veterinary preparations, namely for the treatment of cancer, inflammatory diseases, immunology diseases, infectious diseases, diabetes, hypertension and depression, musculoskeletal diseases, cardiological and vascular diseases and disorders, pulmonary and respiratory diseases, endocrine diseases and disorders, hematological diseases, nephrological and urological diseases, neurological diseases, ophthalmological diseases, otolaryngological diseases, rheumatological diseases and diseases and conditions related to trauma and emergency; chemico-pharmaceutical preparations for pharmaceutical, medical, veterinary and therapeutic purposes, namely for treating cancer, inflammatory diseases, immunology diseases, infectious diseases, diabetes, hypertension and depression, musculoskeletal diseases, cardiological and vascular diseases and disorders, pulmonary and respiratory diseases, endocrine diseases and disorders, hematological diseases, nephrological and urological diseases, neurological diseases, ophthalmological diseases, otolaryngological diseases, rheumatological diseases and diseases and conditions related to trauma and emergency; chemical reagents for clinical medical, veterinary and therapeutic purposes; pharmaceutical preparations namely drugs and drug candidates for medical, veterinary and therapeutic purposes for treating cancer, inflammatory diseases, immunology diseases, infectious diseases, diabetes, hypertension and depression, musculoskeletal diseases, cardiological and vascular diseases and disorders, pulmonary and respiratory diseases, endocrine diseases and disorders, hematological diseases, nephrological and urological diseases, neurological diseases, ophthalmological diseases, otolaryngological

diseases, rheumatological diseases and diseases and conditions related to trauma and emergency;
none of the foregoing goods being for gastrointestinal preparations; --

International Class 42 -- Research and development in the field of drug discovery, drug development, target validation and science; professional consultancy in the field of chemical analysis and research, biological analysis and research, biochemical analysis and research, biological analysis and research and molecular biology analysis and research; patent exploitation, namely licensing of chemical analysis, processes, medical, diagnostic and therapeutic treatment patents, chemical analysis and research; analysis of therapeutic effects of chemical, pharmaceutical, medical and veterinary preparation; target validation services and consulting; none of the foregoing services being in the field of gastrointestinal preparations. --.

Respectfully submitted,

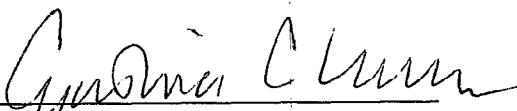


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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing SECOND AMENDMENT AFTER PUBLICATION has been mailed this 10th day of March, 2003, by first-class mail, postage prepaid to:

Anthony P. Venturino
STEVENS DAVIS
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March 10, 2003

Via Hand Delivery

Ms. Pauline Stewart
Legal Assistant
U.S. Patent and Trademark Office
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3516

Re: U.S. Trademark Application No. 76/038,881
Applicant: Cureon A/S
Mark: CUREON
Atty. Dkt. No. S-2299

Dear Ms. Stewart:

The attached Second Amendment Before Publication is filed herewith as the result of a further amendments to a settlement agreement reached in a potential opposition pending before the Trademark Trial and Appeal Board between Applicant, Cureon A/S and the potential opposer Curon Medical, Inc.

The parties in the potential opposition have agreed that if the amendments in the attached document are entered, such action will serve to fully resolve the matter and no formal opposition will be filed. Since the application is currently charged to a location at the Trademark Trial and Appeal Board, it is respectfully requested that said amendments be considered there and subsequently entered into the application.

Respectfully submitted,

Cynthia Clarke Weber

CCW:mlw
Enclosure: Second Amendment Before Publication
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TRADemark TRIAL AND APPEAL BOARD