

PTO Form 1960 (Rev 9/2007)

OMB No. xxxx-xxxx (Exp. x/xxxx)

Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	77108733
LAW OFFICE ASSIGNED	LAW OFFICE 107
MARK SECTION (no change)	
ARGUMENT(S)	
<p>This is in response to the Office Action mailed November 21, 2007 in connection with the above-identified application.</p> <p style="text-align: center;"><u>AMENDMENT</u></p> <p><u>Recitation of Goods</u></p> <p>Applicant requests that the recitation of goods, in its entirety, in the application and drawing page be amended to read as follows: <i>Pharmaceutical preparations, namely, a drug delivery system comprising a single use, needle-free subcutaneous injector for the release of a wide variety of therapeutic agents in Class 5; and Drug delivery systems in Class 10.</i></p> <p style="text-align: center;"><u>REMARKS</u></p> <p>Prior to filing the application, Applicant reviewed the Trademark ID Manual, and researched the term "drug delivery system." In the search results, the goods "drug delivery systems" were properly classified in International Classes 5 and 10. A copy of the Trademark ID Manual is attached for the Examiner's ease of reference.</p> <p>Applicant appreciates that the Examiner has reviewed Applicant's website and attached printouts illustrating Applicant's "subcutaneous injection system" as well as a printout of Applicant's prior registration for the mark INTRAJECT®. While at this time, Applicant's website does not show any use of a pharmaceutical preparation, Applicant respectfully submits that this application was filed on an intent-to-use basis, and Applicant is in the process of developing the pharmaceutical preparation that will be used in connection with the "subcutaneous injection system." Applicant will file a proper Statement of Use when its product is used in commerce.</p> <p style="text-align: center;"><u>CONCLUSION</u></p> <p>In view of the above remarks, Applicant respectfully submits that its application is now in condition for publication. It is requested that the Examiner call the undersigned should any further questions or comments arise in connection with this application.</p>	
EVIDENCE SECTION	

EVIDENCE FILE NAME(S)	\\TICRS\EXPORT\IMAGEOUT\7 71\087\77108733\xml1 \RFR0 002.JPG
DESCRIPTION OF EVIDENCE FILE	screenshot of the Trademark ID Manual
GOODS AND/OR SERVICES SECTION (005)(current)	
INTERNATIONAL CLASS	005
DESCRIPTION	
Pharmaceutical preparations, namely, a drug delivery system comprising single use, needle-free subcutaneous injection system for the release of a wide variety of therapeutic agents	
FILING BASIS	Section 1(b)
GOODS AND/OR SERVICES SECTION (005)(proposed)	
INTERNATIONAL CLASS	005
DESCRIPTION	
Pharmaceutical preparations, namely, a drug delivery system comprising a single use, needle-free subcutaneous injector for the release of a wide variety of therapeutic agents	
FILING BASIS	Section 1(b)
GOODS AND/OR SERVICES SECTION (010)(no change)	
SIGNATURE SECTION	
RESPONSE SIGNATURE	/julie dalke/
SIGNATORY'S NAME	Julie Dalke
SIGNATORY'S POSITION	Attorney of record
DATE SIGNED	05/19/2008
AUTHORIZED SIGNATORY	YES
CONCURRENT APPEAL NOTICE FILED	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Mon May 19 15:15:11 EDT 2008
TEAS STAMP	USPTO/RFR-199.107.43.222- 20080519151511573863-7710 8733-420f8b9254c3a19ecc64 e659658e0e637f-N/A-N/A-20 080519144332414315

OMB No. xxxx-xxxx (Exp. x/xxxx)

Request for Reconsideration after Final Action**To the Commissioner for Trademarks:**

Application serial no. 77108733 has been amended as follows:

ARGUMENT(S)**In response to the substantive refusal(s), please note the following:**

This is in response to the Office Action mailed November 21, 2007 in connection with the above-identified application.

AMENDMENT**Recitation of Goods**

Applicant requests that the recitation of goods, in its entirety, in the application and drawing page be amended to read as follows: *Pharmaceutical preparations, namely, a drug delivery system comprising a single use, needle-free subcutaneous injector for the release of a wide variety of therapeutic agents in Class 5; and Drug delivery systems in Class 10.*

REMARKS

Prior to filing the application, Applicant reviewed the Trademark ID Manual, and researched the term "drug delivery system." In the search results, the goods "drug delivery systems" were properly classified in International Classes 5 and 10. A copy of the Trademark ID Manual is attached for the Examiner's ease of reference.

Applicant appreciates that the Examiner has reviewed Applicant's website and attached printouts illustrating Applicant's "subcutaneous injection system" as well as a printout of Applicant's prior registration for the mark INTRAJECT®. While at this time, Applicant's website does not show any use of a pharmaceutical preparation, Applicant respectfully submits that this application was filed on an intent-to-use basis, and Applicant is in the process of developing the pharmaceutical preparation that will be used in connection with the "subcutaneous injection system." Applicant will file a proper Statement of Use when its product is used in commerce.

CONCLUSION

In view of the above remarks, Applicant respectfully submits that its application is now in condition for publication. It is requested that the Examiner call the undersigned should any further questions or comments arise in connection with this application.

EVIDENCE

Evidence in the nature of screenshot of the Trademark ID Manual has been attached.

Evidence-1

CLASSIFICATION AND LISTING OF GOODS/SERVICES

Applicant proposes to amend the following class of goods/services in the application:

Current: Class 005 for Pharmaceutical preparations, namely, a drug delivery system comprising single use, needle-free subcutaneous injection system for the release of a wide variety of therapeutic agents

Original Filing Basis:

Filing Basis: Section 1(b), Intent to Use: The applicant has a bona fide intention to use or use through

the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. (15 U.S.C. Section 1051(b)).

Proposed: Class 005 for Pharmaceutical preparations, namely, a drug delivery system comprising a single use, needle-free subcutaneous injector for the release of a wide variety of therapeutic agents

Filing Basis: Section 1(b), Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. (15 U.S.C. Section 1051(b)).

SIGNATURE(S)

Request for Reconsideration Signature

Signature: /julie dalke/ Date: 05/19/2008

Signatory's Name: Julie Dalke

Signatory's Position: Attorney of record

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the applicant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the applicant in this matter: (1) the applicant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the applicant has filed a power of attorney appointing him/her in this matter; or (4) the applicant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

The applicant is filing a Notice of Appeal in conjunction with this Request for Reconsideration.

Serial Number: 77108733

Internet Transmission Date: Mon May 19 15:15:11 EDT 2008

TEAS Stamp: USPTO/RFR-199.107.43.222-200805191515115

73863-77108733-420f8b9254c3a19ecc64e6596

58e0e637f-N/A-N/A-20080519144332414315

Trademarks > Trademark Acceptable Identification of Goods & Services



Refine Search: DRUG AND DELIVERY AND SYSTEM

Submit Query

Documents: 1 - 2 of 2

Hit No.	Class	Description	Status	Effective Date	Type	Note	Trilateral
1	005	Pharmaceutical preparations, namely, a drug delivery system comprising polymer-based oral tablets for the continuous release of a wide variety of therapeutic agents	A	01 Jul 04	G	N	
2	010	Drug delivery systems	A	01 Apr 05	G	Y	

Refined Search: DRUG AND DELIVERY AND SYSTEM

Submit Query

Return to Search