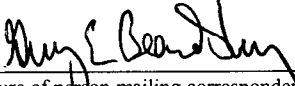


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Guy E. Beardsley
Printed name of person mailing correspondence


Signature of person mailing correspondence

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mark: CRX
Serial Number: 78/107,690
Filing Date: February 8, 2002
Law Office: 110
Examining Attorney: M.E. Bodson
Applicant: CombinatoRx, Inc.
Class(es): 005

Box RESPONSES – NO FEE
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2900 Crystal Drive
Arlington, VA 22202-3514

REQUEST FOR RECONSIDERATION

In response to the Office Action electronically sent on May 13, 2003, applicant submits the following amendments and remarks.

AMENDMENTS

Please delete the identification of goods and insert the following:

Prescription pharmaceuticals, namely therapeutic agents and/or combination therapeutic agents for the treatment of a neoplasm, an immunoinflammatory disease, a metabolic disorder, or an infection.

REMARKS

The Office has refused registration of the mark based on (1) a requirement to amend the identification of goods and (2) a likelihood of confusion concern with Registration Nos. 2,652,114 and 1,533,746. Each issue is addressed below.

Identification

Applicant has amended the description of goods to include only prescription pharmaceuticals for the treatment of a neoplasm, an immunoinflammatory disease, a metabolic disorder, or an infection. Accordingly, applicant respectfully submits that the description of goods is not indefinite and requests that the refusal on this basis be withdrawn.

There is No Likelihood of Confusion

The Office refused registration on the basis that registration of applicant's mark would create a likelihood of confusion with existing Registration Nos. 2,652,114 (for "electrical and scientific apparatus; namely pharmacy management software applications" in international class 9) and 1,533,746 (for "retail pharmacy services" in international class 42). To further clarify that applicant's goods are not closely related to the services or goods provided under either registration, applicant has amended its identification of goods to refer to "prescription pharmaceuticals." Indeed, as is explained below, significant differences exist between applicant's and registrants' goods and classes of customers so that there is no issue of confusion.

Applicant intends to use its mark in connection with prescription pharmaceuticals. The relevant consumers of the goods bearing applicant's mark are medical practitioners who prescribe pharmaceuticals to their patients. Such consumers, who are highly trained and educated, are not the usual purchasers of either retail pharmacy services or pharmacy management software applications. The medical practitioner exercises great care in selecting applicant's intended products. Moreover, there is no likelihood of confusion on

the part of the ordinary consumer/patient because the patient's purchase, even if in the retail pharmacy store, is predicated entirely on the prescription provided by a medical practitioner.

Further, there are specific differences between applicant's prescription pharmaceuticals and both registrants' services or goods. Prescription pharmaceuticals are products that are prescribed, by a medical practitioner, to a patient to improve health, for example, for the treatment of a neoplasm, an immunoinflammatory disease, a metabolic disorder, or an infection, whereas a pharmacist or drug store provides retail pharmacy services and over-the-counter drugs, and are not in the business of prescribing pharmaceuticals or selling such products for the ordinary consumer. Further a field from prescription pharmaceuticals are pharmacy management software applications which are used by pharmacists, for example, in prescription pricing, processing, patient care, and third party billing (see, for example, CRx In-Store System found at <http://www.qsl.com/qslhome.nsf/Web+Pages/CRx+In-Store+System?OpenDocument>, visited November 13, 2003; copy attached). Software purchasers would not be confused by applicant's prescription pharmaceuticals.

In sum, the differences in the respective goods and services, there is no likelihood of confusion and this basis of refusal should be withdrawn.

CONCLUSION

Applicant submits that this application is now in condition for allowance, and such action is respectfully requested.

Respectfully submitted,

Date: 13 November 2003



James D. DeCamp
Attorney for Applicant

Clark & Elbing LLP
101 Federal Street
Boston, MA 02110
Telephone: 617-428-0200
Facsimile: 617-428-7045

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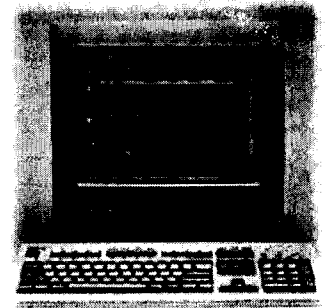
QS/1 CRx In-Store System

THE QS/1 PRODUCT FOR CHAIN PHARMACIES

Make Patient Care Easy

QS/1's CRx in-store management system provides an easy-to-use, comprehensive solution for your stores. New pharmacists find it easy to learn. One-step refills speed prescription processing, and you keep a firm control over inventory.

[CRx Advantages](#)
[Prescription Pricing](#)
[Prescription Processing](#)
[Third Party Billing](#)
[Patient Care](#)



CRx Advantages

- Window NT/2000/XP platform including dial-up, the Internet, a LAN or a WAN
- Menu driven, user-friendly system that's easy to learn
- Generate reports and manipulate data using off-the-shelf software
- Provide different levels of security access
- Execute requests from multiple users at the store and corporate office simultaneously
- Access a store system directly from corporate office if desired
- Handle any number of stores
- Operate system without MIS background or training
- Integrate seamlessly with the in-store management system

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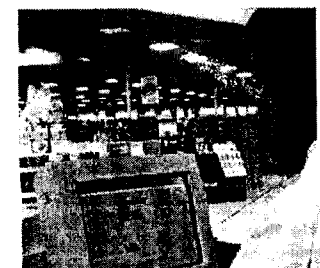
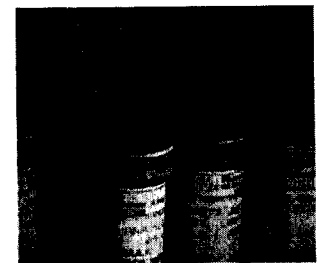
Prescription Pricing

- Price prescriptions either by predetermined third-party pricing structure or the drug's price code
- Use as many as 2,700 prices when determining pricing codes (formulas)
- Take advantage of an unlimited number of formulas to establish variable fee, co-pay, and discount schedules
- Price updates available on diskettes and through PowerLine

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Prescription Processing

- Fill a new prescription with a simple, step-by-step process
- Automatically run up to 14 checks and warnings, including drug-drug interactions, allergies, food warnings, and duplicate therapy
- Handle refills in seconds
- Renew expired prescriptions with just a few keystrokes
- Verify third-party and Medicaid eligibility for the patient or drug
- Print a sales receipt, label, and patient information leaflet simultaneously
- Fill a partial prescription based on coverage or dollar amount
- Integrates seamlessly with the QS/1 interactive voice response (IVR) system



- Fax refill authorizations to the doctor electronically
- Capture HIPAA acknowledgments and third party signature logs electronically, reducing paper

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Third-Party Billing

- Electronically transmit unlimited claims in one phone call through PowerLine, QS/1's unique claims switch
- High speed claim transmission through the Internet
- Automatically receive daily AWP drug cost updates with claims adjudication response
- Use any of the more than 2,700 third-party plans supported by QS/1
- Reduce rejections by being alerted to errors before claims are transmitted
- Additional checks using PowerLine pre-edit before transmission to third party

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Patient Care

- Print a patient information leaflet for most drugs. The leaflet outlines side effects, precautions, and administration, thus assisting in compliance with OBRA and serving as a reference for patients.
- Print receipt and label with important counseling messages
- Easily document interventions
- Document value of intervention and bill for cognitive services
- Easily identify patients who are candidates for disease management
- Uses First DataBank modules for tracking drug-disease, drug-allergy, min-max, duration of therapy, and precautions

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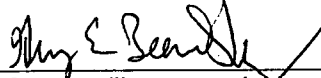


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Guy E. Beardsley

Printed name of person mailing correspondence



Signature of person mailing correspondence

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Mark: CRX **Examining Attorney:** M.E. Bodson
Serial Number: 78/107,690 **Law Office:** 110
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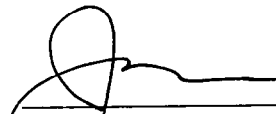
NOTICE OF APPEAL

Applicant appeals from the final rejection mailed May 13, 2003 to the Trademark Trial and Appeal Board. A brief in support of this Appeal shall be submitted in due course.

A check for \$100.00 in payment of the filing fee is enclosed. If there are any charges or any credits, please apply them to Deposit Account No. 03-2095.

Respectfully submitted,

Date: 13 November 2003



James D. DeCamp
Attorney for Applicant

Clark & Elbing LLP
101 Federal Street
Boston, MA 02110
Telephone: 617-428-0200
Facsimile: 617-428-7045

TJA

Attorney's Docket No.: B1102.20000US00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : BioProcessors Corporation
Serial No. : 76/383,993
Date Filed : March 19, 2002
Mark : BIOPROCESSORS
Class : 9
Examiner : Andrea Saunders
Law Office : 108



11-20-2003

S. Patent & TMOfr: TM Mail Rcpt Dt. #58

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Carole A. Boelitz

Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3514

Sir:

Transmitted herewith is the following document:

- Request for Extension of Time to File Appeal Brief (Extension until December 14, 2003)
- Return Receipt Postcard

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (617) 720-3500, Boston, Massachusetts.

A check is not enclosed. If a fee is required, it may be charged to the account of the undersigned, Deposit Account No. 23/2825. A duplicate of this sheet is enclosed.

Respectfully submitted,

Carole A. Boelitz
Carole A. Boelitz
Wolf, Greenfield & Sacks, P.C.
600 Atlantic Avenue
Boston, MA 02210-2211
(617) 720-3500

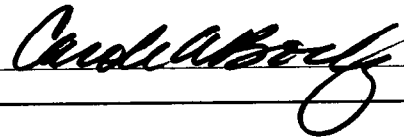
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Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3514

REQUEST FOR EXTENSION OF TIME
TO FILE APPEAL BRIEF

Dear Sir:

Applicant respectfully requests an extension of time of thirty (30) days from November 14, 2003, to and including December 14, 2003, to file its Appeal Brief with respect to the trademark application set forth above.

This extension is being requested in accordance with T.B.M.P. § 1203.02(d) until we receive a substantive examination by the Examining Attorney of our last response of September 15, 2003.

Respectfully submitted,



Carole A. Boelitz
Wolf, Greenfield & Sacks, P.C.
600 Atlantic Avenue
Boston, MA 02210-2211
(617) 720-3500

x11/14/03x

