

TTAB

Express Mail No.: EV 344 798 750 US

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

PARKEDALE PHARMACEUTICALS, INC.

Opposer,

v.

BASF AGROCHEMICAL PRODUCTS B.V.  
(by assignment from AMERICAN  
CYANAMID COMPANY)

Applicant,

Opposition No. 124,255

Trademark: ADRENALIN  
Serial No.: 75/933,512

Applicant's Attorney Docket Nos.  
BAAG USA TA-0401512  
BAAG USA TC-0401520



06-04-2004

U.S. Patent & Trademark Mail Rept Dt. #78

**AMENDMENT TO TRADEMARK APPLICATION, WITH CONSENT,  
PURSUANT TO SETTLEMENT**

Applicant, BASF Agrochemical Products B.V., respectfully requests that the mark ADRENALIN in application Serial No. 75/933,512 (published for Opposition on October 9, 2001 and opposed by Parkedale Pharmaceuticals, Inc.) be amended to ADRENALYN. Such amendment is requested pursuant to a settlement agreement between Applicant and Opposer in Opposition No. 124,255 and is made with Opposer's consent.

Applicant respectfully submits that the change in the spelling of the mark from ADRENALIN to ADRENALYN is minor and therefore not considered a material alteration of the mark. TMEP § 1505.01 (c). Further, Applicant respectfully submits that such amendment does not require republication of the application and should therefore be accepted pursuant to TMEP § 1505.01 (c); See generally 37 C.F.R. § 2.72.

CERTIFICATE UNDER 37 C.F.R. 1.10

I hereby certify that this paper is being deposited with the United States Postal Service as Express Mail No. EV 344 798 750 US in the envelope addressed to: Box TTAB NO FEE, Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3514, on June 4, 2004.

Joyce M. Ferraro  
(Name)

*Joyce M. Ferraro*  
(Signature)

(Reg. No.)

June 4, 2004  
(Date of Signature)

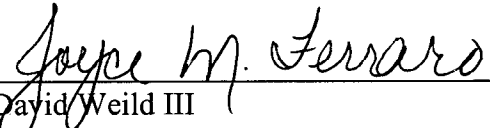
Accordingly, Applicant respectfully requests that the amendment to the mark in application Serial No. 75/933,512 from ADRENALIN to ADRENALYN be entered into the records of the Patent and Trademark Office.

If Applicant's amendment is finally rejected by the Examiner, Opposer consents to an appeal by Applicant to the Board of the Examiner's decision. If Applicant files such appeal and it is denied by the Board, Applicant hereby expressly abandons application Serial No. 75/933,512. Additionally, if Applicant's amendment is finally rejected by the Examiner and Applicant is not successful in overcoming the final rejection and does not appeal such final rejection to the Board, Applicant hereby expressly abandons application Serial No. 75/933,512.

Respectfully submitted,

Date: April 19, 2004

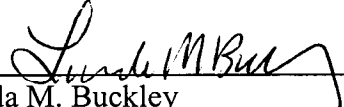
By:

  
David Weild III  
Joyce M. Ferraro  
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Opposer, Parkedale Pharmaceuticals, Inc., by its attorney, hereby consents to said amendment of application Serial No. 75/933,512 as set forth above.

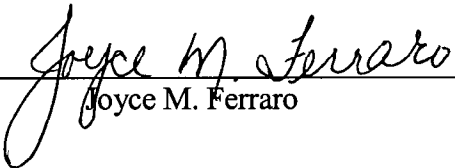
Date: May 27, 2004

By:

  
Linda M. Buckley  
EDWARDS & ANGELL, LLP  
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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing **AMENDMENT TO TRADEMARK APPLICATION, WITH CONSENT, PURSUANT TO SETTLEMENT** has been served upon Linda M. Buckley, Esq., Edwards & Angell, LLP, 101 Federal Street, Boston, MA 02110, the address designated for that purpose, by depositing a true copy of the same with the United States Postal Service as first-class mail on June 4, 2004.

  
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Joyce M. Ferraro