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

Proceeding	91183182
Party	Defendant Biovail Laboratories International SRL
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Submission	Other Motions/Papers
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Attachments	2009-8-14 Stipulated Motion to Amend Subject Application - Opposition 91183182 - ASOLZA.pdf (3 pages)(285532 bytes)

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

ALZA Corporation,)	
)	
Opposer,)	
)	Opposition No. 91183182
v.)	
)	Ser. No. 78851378
Biovail Laboratories International SRL,)	
)	
Applicant.)	

STIPULATED MOTION TO AMEND SUBJECT APPLICATION

Pursuant to 37 C.F.R. § 2.133(a) and TBMP Rules 514, 514.02 and 605.03(b), the parties hereby request the Board’s approval of the following amendment to the subject application, Ser. No. 78851378 – ASOLZA, pursuant to a settlement agreement reached by the parties.

In International Class 5, please amend the identification of goods to read:

PHARMACEUTICAL PREPARATIONS AND SUBSTANCES FOR THE PREVENTION, TREATMENT AND ALLEVIATION OF DISORDERS, DISEASES, CONDITIONS AND AILMENTS OF THE CENTRAL NERVOUS SYSTEM; PHARMACEUTICAL PREPARATIONS AND SUBSTANCES FOR THE PREVENTION, TREATMENT AND ALLEVIATION OF DEPRESSION; ANTI-DEPRESSANTS; PHARMACEUTICAL PREPARATIONS AND SUBSTANCES FOR THE PREVENTION, TREATMENT AND ALLEVIATION OF SLEEP DISORDERS; PHARMACEUTICAL PREPARATIONS AND SUBSTANCES FOR THE PREVENTION, TREATMENT AND ALLEVIATION OF ANXIETY; PHARMACEUTICAL PREPARATIONS AND SUBSTANCES FOR

THE PREVENTION, TREATMENT AND ALLEVIATION OF PAIN AND INFLAMMATION, NAMELY, PAIN RELIEF MEDICATION AND ANTI-INFLAMMATORIES, EXCLUDING PAIN RELIEF MEDICATION DELIVERED BY TRANSDERMAL PLASTERS OR TRANSDERMAL PATCHES; PHARMACEUTICAL PREPARATIONS AND SUBSTANCES FOR THE PREVENTION, TREATMENT AND ALLEVIATION OF MIGRAINES; METFORMIN; DILTIAZEM; AND TRAMADOL.

The parties aver that the proposed amendment is a limitation to the identification of goods and, therefore, the proposed amendment is in compliance with the applicable rules and statutory provisions, namely, 37 C.F.R. § 2.71(a).

Opposer's attorney, Christen M. English, has consented to this request.

Respectfully submitted,

Biovail Laboratories International SRL

By:



James R. Menker

Applicant's Attorneys

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing “STIPULATED MOTION TO AMEND SUBJECT APPLICATION” was served on Opposer’s attorney, Christen M. English of Drinker Biddle & Reath LLP with an address at 1500 K St., NW, Suite 1100, Washington, D.C. 20005, via email by agreement, today August 14, 2009.

By: 
Laura K. Greer