

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

cv

Mailed: January 31, 2012

Opposition No. 91193792

Opposition No. 91198570

Nycomed GmbH

v.

Vomaris Innovations, Inc.

By the Trademark Trial and Appeal Board:

The January 19, 2012 order in Opposition No. 91198570 is vacated.

On October 7, 2011, opposer filed the parties' stipulations to amend applicant's application Serial Nos. 77811864 and 77811867, the involved applications in Opposition No. 91193792,¹ and to dismiss both of the above-captioned oppositions upon entry of the proposed amendments.²

¹ Exhibit A of the parties' stipulations also refers to application Serial No. 77580209 and International Registration No. 1056884, neither of which are under Board jurisdiction. The time in which to oppose registration of the mark in application Serial No. 77580209 has expired. A notice of allowance was issued in that application on April 19, 2011, and a request for a first extension of time to file a statement of use was filed and granted on October 19, 2011. See TMEP Section 1505 *et seq.* regarding postpublication amendments to applications.

² The above-captioned opposition proceedings have not been consolidated. See TBMP Section 511 (3d ed. 2011).

Opposition Nos. 91193792 and 91198570

By the proposed amendments, applicant seeks to change the identification of goods in application Serial Nos. 77811864 and 77811867 as follows:

Application Serial No. 77811864

from "Adhesive bandages; Adhesive for bandages for skin wounds; Analgesics; Anesthetics for non-surgical use; Anti-dermoinfectives; Anti-infectives; Anti-inflammatory; Antibacterial substances for medical purposes; Antimicrobial coatings to treat the growth of mold, mildew, bacteria and fungus on various surfaces; Antimicrobials for dermatologic use; Antivirals; Bandages for dressings; Bandages for skin wounds; Burn dressings; Dermatologicals; Dressings for wounds, burns and surgery; Surgical bandages; Surgical dressings; Topical analgesics; Wound dressings"

to "Adhesive bandages; Adhesive for bandages for skin wounds; Analgesics for the treatment of wounds and skin disorders; Anesthetics for non-surgical use for the treatment of wounds and skin disorders; Anti-dermoinfectives; and Anti-infectives for treatment of wounds and skin disorders; Anti-inflammatory for the treatment of wounds and skin disorders; Antibacterial substances for treatment of wounds and skin disorders; Antimicrobial

The stipulations do not indicate proof of service upon applicant, as required by Trademark Rule 2.119. If applicant did not receive fully executed copies of those stipulations, they are available online at <http://ttabvueint.uspto.gov/ttabvue>.

Opposition Nos. 91193792 and 91198570

coatings to treat the growth of mold, mildew, bacteria and fungus on various surfaces; Antimicrobials for dermatologic use; Antivirals; Bandages for dressings; Bandages for skin wounds; Burn dressings; Dermatologicals; Dressings for wounds, burns and surgery; Surgical bandages; Surgical dressings; Topical analgesics for treatment of wounds and skin disorders; Wound dressings."

Application Serial No. 77811867

from "Acne medications; Acne treatment preparations; Adhesives for dentistry and dental technical purposes; Anesthetic for surgical purposes; Anti-inflammatory and antipyretic preparations; Athletes' foot preparations; Bacteriostats for medicinal, dental and veterinary use; Gauze; Gauze for dressings; Mold inhibitors for treating mold growth in and around buildings; Nail fungus treatment preparations; Panty liners; Panty shields; Pharmaceutical preparations for treating skin disorders; Pharmaceutical preparations for wounds; Pharmaceutical products for the treatment of viral and infectious diseases, for the treatment of cancer; Preparation for the relief of pain; Preparations for destroying parasites; Sanitary napkins; Sanitary pads; Sanitary sterilizing preparations; Self adhesive dressings; Shoe deodorizers; Tampons; Vaginal preparations, namely, antifungals; Veterinary preparations, namely, pain relief medication"

Opposition Nos. 91193792 and 91198570

to "Acne medications; Acne treatment preparations; Adhesives for dentistry and dental technical purposes; Anesthetic for surgical purposes for the treatment of wounds and skin disorders; Anti-inflammatory and antipyretic preparations for the treatment of wounds and skin disorders; Athletes' foot preparations; Bacteriostats for medicinal, dental and veterinary use; Gauze; Gauze for dressings; Mold inhibitors for treating mold growth in and around buildings; Nail fungus treatment preparations; Panty liners; Panty shields; Pharmaceutical preparations for treating skin disorders; Pharmaceutical preparations for wounds; Pharmaceutical products for the treatment of viral and infectious diseases and for the treatment of cancer excluding respiratory preparations; Preparation for the relief of pain for the treatment of wounds and skin disorders; Topical preparations for destroying parasites; Sanitary napkins; Sanitary pads; Sanitary sterilizing preparations; Self adhesive dressings; Shoe deodorizers; Tampons; Vaginal preparations, namely, antifungals; Veterinary preparations, namely, pain relief medication for the treatment of wounds and skin disorders."

The amendments are limiting in nature as required by Trademark Rule 2.71(a). Because opposer consents thereto, it is approved and entered. See Trademark Rule 2.133(a).

Opposition Nos. 91193792 and 91198570

In view of such entry, the above-captioned oppositions are dismissed with prejudice.³

³ A copy of this order has been entered in the Board file for both of the above-captioned proceedings.