

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

RK/nmt

Mailed: April 17, 2013

Opposition No. **91203570**

Novartis AG

v.

Leo Pharma A/S

On January 8, 2013, opposer filed applicant's proposed amendment to involved **application Serial No. 85261150**, with opposer's written consent, and opposer's withdrawal of the opposition with prejudice, contingent upon entry of the amendment.¹

By the proposed amendment, applicant seeks to change the Class 5 identification of goods as follows (amendment in bold type):

From: Pharmaceutical preparations for the treatment of skin disorders, skin infections and skin cancers; anticoagulants; in International Class 5.

To: Pharmaceutical preparations for the treatment of skin disorders, skin infections and skin cancers **excluding those specifically for the treatment of acne and for hormone related**

¹ Opposer's filing does not indicate proof of service on applicant as required by Trademark Rule 2.119. In order to expedite this matter, applicant is referred to <http://ttabvue.uspto.gov/ttabvue/v?pno=91203570&pty=OPP&eno=16> to view a copy of the filing.

diseases; anticoagulants; in International
Class 5.²

Inasmuch as the amendment is clearly limiting in nature as required by Trademark Rule 2.71(a), and because opposer consents thereto, it is **APPROVED** and entered. See Trademark Rule 2.133(a).

The contingency in opposer's withdrawal having now been met, the opposition is **DISMISSED with prejudice.**³

*By the Trademark Trial
and Appeal Board*

² The parentheses in the proposed description has been omitted as parentheses are generally not permitted in the identification. See TMEP § 1402.12 (Oct. 2012).

³ Applicant's change of correspondence (filed March 6, 2012) has been noted and made of record.