

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

dmd

Mailed: May 22, 2013

Opposition No. 91208666

Jurox Pty Ltd

v.

Goodchild Investments Pty  
Ltd

**Denise M. DelGizzi,  
Technical Program Manager:**

Application Serial No. 79109770, the subject of this opposition proceeding is a request for extension of protection to the United States filed pursuant to Trademark § 66(a), 15 U.S.C. § 1141f(a). At publication, the identification of goods in International Class 5 of the application read as follows:

"Pharmaceutical and medicinal preparations, namely, anaesthetics and sedatives; pharmaceutical and medicinal preparations, namely, anticonvulsants for use in the treatment of epilepsy or brain injury in humans; veterinary preparations, namely, anaesthetics and sedatives; veterinary preparations, namely, anticonvulsants for use in the treatment of head or brain injury"

The opposition proceeding commenced on December 18, 2012, with the filing of a notice of opposition against the registration of the mark identified in application Serial

Nos. 79109770 for all the goods and services identified in International Class 5.

On April 25, 2012, the International Bureau ("IB") of the World Intellectual Property Organization<sup>1</sup> transmitted to the USPTO a "Restriction of Protection of Goods and Services in an International Registration," by which the USPTO was notified that as to the goods identified in Class 5, there had been "Limitation" upon which the involved extension of protection is based. As a consequence, the identification of goods was amended in the involved extension of protection. See 37 CFR § 7.30, Trademark Rule 7.30. The identification of goods in International Class 9, in application Serial No. 79052459, by de facto amendment, now reads as follows:

"Pharmaceutical and medicinal preparations, namely, anaesthetics and sedatives; pharmaceutical and medicinal preparations, namely, anticonvulsants for use in the treatment of epilepsy or brain injury in humans; all the foregoing excluding veterinary preparations"

Consequently, the identification of goods was amended in the involved extension of protection. The effective date of the modification of the International Registration is February 22, 2013, a date which is after the commencement of

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<sup>1</sup>The IB administers International Registrations ("IRs") granted to filers in countries which are signatories of the Madrid Protocol. The IR serves as the basis for requests for extension of protection to other signatory states, such as the application involved in this proceeding. As such, the extension of protection may not exceed the scope of the IR,

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this opposition. Accordingly, opposer is allowed until **THIRTY DAYS** from the mailing date of this order to file a withdrawal of the opposition, failing which the opposition will go forward on the application as amended.

Proceedings remains suspended in accordance with the Board's March 13, 2013 order.

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and restriction of the IR will result in a corresponding restriction in the request for extension of protection.