

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451
General Contact Number: 571-272-8500

GCP

Mailed: July 14, 2014

Opposition No. 91215567

GlaxoSmithKline Intellectual
Property Limited

v.

Janssen R&D Ireland

By the Trademark Trial and Appeal Board:

On June 16, 2014, applicant filed a proposed amendment to application Serial No. 85845780, with opposer's consent. On June 30, 2014, opposer filed a withdrawal of the opposition without prejudice. Because of the close proximity of the parties' filings, the Board construes opposer's withdrawal to be contingent upon the Board's approval of applicant's proposed amendment of its application.

By the proposed amendment, applicant seeks to amend the identification of goods from:

"Human pharmaceutical preparations for the prevention or treatment of viral diseases, auto-immune and inflammatory diseases, cardiovascular diseases, central nervous system diseases, pain, dermatologic diseases, gastro-intestinal diseases, infectious-related diseases, metabolic diseases, oncologic diseases, ophthalmic diseases and respiratory diseases."

to:

"Human pharmaceutical preparations for the prevention or treatment of viral diseases, cardiovascular diseases, central nervous system diseases, pain, dermatologic diseases, gastro-

intestinal diseases, infectious-related diseases, metabolic diseases, oncologic diseases, and ophthalmic diseases, all of the foregoing specifically excluding autoimmune diseases, inflammatory diseases and respiratory diseases."

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

The contingency in opposer's withdrawal having now been met, the opposition is dismissed **without prejudice**.