

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
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LTS/RA

April 12, 2022

Opposition No. 91265646

Radius Health, Inc.

v.

Fresenius Kabi Deutschland GmbH

By the Trademark Trial and Appeal Board:

On April 4, 2022, Applicant filed a revised proposed amendment to its application Serial No. 88816766, with Opposer's consent, and Opposer's withdrawal of the opposition, contingent upon entry of the amendment.

By the proposed amendment, Applicant seeks to amend the identification of goods as follows (additions in bold):

FROM: Pharmaceutical preparations for human use for the treatment of neurological diseases and disorders, immunological diseases and disorders, inflammatory diseases and disorders, oncological diseases and disorders and viral infections; pharmaceutical preparations for the treatment of CAR T-cell induced cytokine release syndrome

TO Pharmaceutical preparations for human use for the treatment of neurological diseases and disorders, immunological diseases and disorders, inflammatory diseases and disorders, oncological diseases and disorders and viral infections, **excluding pharmaceutical preparations for the treatment of osteoporosis and the prevention of fractures resulting from osteoporosis**; pharmaceutical preparations for the treatment of CAR T-cell induced cytokine release syndrome, **excluding pharmaceutical preparations for the treatment of osteoporosis and the prevention of fractures resulting from osteoporosis**

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The amendment is limiting in nature, as required by Trademark Rule 2.71(a). 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 in accordance with the agreement between the parties.