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Filing date: **05/01/2023**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding no.	91274670
Party	Defendant Jiangsu GenScript Probio Biotech Co., Ltd.
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Submission	Motion to Amend/Amended Answer or Counterclaim
Filer's name	YUE (ROBERT) XU
Filer's email	trademark@apex-attorneys.com
Signature	/YUE XU/
Date	05/01/2023
Attachments	2023-04-24 Consented Motion to Amend_SIGNED.pdf(234926 bytes) Certificate of Service 91274670.pdf(21271 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

QIAGEN Sciences, LLC Petitioner, -against- Jiangsu GenScript Probio Biotech Co., Ltd. Respondent.	Opposition No.: 91274670 Regarding Application No.: 79310330 Trademark: PowerS

CONSENTED MOTION TO AMEND APPLICATION AND STIPULATED CONTINGENT WITHDRAWAL OF OPPOSITION WITH PREJUDICE

QIAGEN Sciences, LLC ("QIAGEN") and Jiangsu GenScript Probio Biotech Co., Ltd. ("GenScript") (together, the "Parties") jointly move for entry of an order amending United States Trademark Application No. 79310330 as set forth below and dismissing the instant Opposition contingent upon the Board's entry of said order.

Pursuant to 37 CFR § 2.133, GenScript hereby respectfully requests amendment of the identification of goods in its No. 79310330 Application, with the consent of QIAGEN, to add the underlined language, as follows:

U.S. Trademark Application No. 79310330 for PowerS

Chemical preparations for scientific purposes, other than for medical or veterinary use; biochemical catalysts; chemical preparations for analyses in laboratories, other than for medical or veterinary purposes; diagnostic preparations, other than for medical or veterinary purposes; cultures of microorganisms other than for medical and veterinary use; biological preparation for use in cell cultures other than for medical or veterinary use; bacterial preparations other than for medical and veterinary use; bacteriological preparations other than for medical and veterinary use; enzyme preparations for the food industry; enzyme preparations for use in the detergents industry; enzyme preparations for use in the alcohol industry; protein in raw material form for scientific and medical research; stem cells other than for medical or veterinary purposes; provided, however, that none of the foregoing goods shall include any of the following: (i) reagent kits comprising generic DNA and/or RNA circle, DNA and/or RNA primers, polymerase, and buffers for use in biotechnology

fields, (ii) nucleic acid isolation kits, (iii) nucleic acid purification kits, (iv) nucleic acid isolation and purification kits consisting primarily of reagents, gels, membranes, beads, and tubes for molecular biology research and scientific research purposes, (v) scientific apparatus for use in homogenizing biological samples for isolation of DNA or RNA, or (vi) scientific kits for use in the field of DNA isolation consisting primarily of chemical reagents; and provided further, however, that none of the foregoing goods shall be intended for use with reagent kits or microbiome related nucleic acid isolation.

Petitioner has consented to entry of this amendment as evidenced by the signature of its counsel below.

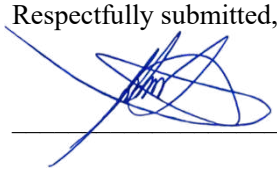
The parties stipulate and agree to a suspension of this proceeding until the Board has decided the motion to enter the amendment.

The parties further stipulate and agree that upon the Board's approval and entry of the amendment requested above, this opposition proceeding shall be dismissed with prejudice. However, if the Board fails to approve the amendment to the identification of goods requested above in exactly the form as set forth above, then this Opposition No. 91274670 shall not be dismissed and the Parties shall attempt to agree upon an alternative amendment request to be filed with the Board.

The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements and the like may jeopardize the validity of the application or submission or any registration resulting therefrom, declares that all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

Dated: April 24, 2023

Respectfully submitted,



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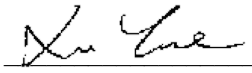

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ATTORNEY FOR RESPONDENT

CERTIFICATE OF SERVICE

I hereby certify that on May 1, 2023 the concurrently filed CONSENTED MOTION TO AMEND APPLICATION AND STIPULATED CONTINGENT WITHDRAWAL OF OPPOSITION WITH PREJUDICE is being sent via email, addressed to the correspondent of record for plaintiff Qiagen Sciences, LLC:

usdocketing@scmv.com, perlin@scmv.com, alspaugh@scmv.com

Apex Attorneys at Law, LLP

By: /YUE XU/
Yue (Robert) Xu