

Exhibits



05-21-2003

U.S. Patent & TMO/TM Mail Rcpt Dt. #26

TAB

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

Alfacell Corporation,

Petitioner,

vs.

Anticancer, Inc.,

Registrant.

Cancellation No.: 32,202

Registration No. 1,987,445

**REGISTRANT ANTICANCER, INC.'S NOTICE OF RELIANCE:
PRINTOUTS FROM WEBSITE OF
THE CENTER FOR DRUG EVALUATION AND RESEARCH**

Pursuant to 37 C.F.R. § 2.122(e) and Rule 707 of the Trademark Trial and Appeal Board Manual of Procedure, Registrant Anticancer, Inc. ("Registrant") hereby submits this Notice of Reliance during its testimony period. Registrant is relying upon printouts from the website of the Center for Drug Evaluation and Research ("CDER"), namely webpages found at the URL <http://www.fda.gov/cder/regulatory/applications/default.htm>. The CDER is part of the Federal Drug Administration ("FDA").

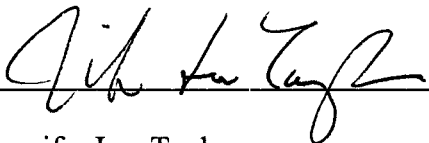
The printouts from CDER's website are relevant because they support the conclusion that Registrant's mark ONCASE is not likely to cause confusion with Petitioner Alfacell Corp.'s ("Petitioner") mark ONCONASE because it is unlikely that both products will reach the market. Specifically, the printouts from CDER's website establish that the federal drug application process is a long and complex one. Both Registrant's ONCASE product and Petitioner's ONCONASE product are at very early stages in the application process.

The attached printouts from CDER's website meet all requirements for admissibility. The printouts constitute a report by the CDER, a government agency, on the application processes for new drugs and investigational new drugs. Official records, including reports by government agencies, may be introduced in evidence by a notice of reliance. TBMP § 707; 37 C.F.R. § 2.122(e); *Harjo v. Pro-Football, Inc.*, 50 U.S.P.Q.2d (BNA) 1705, 1722-23 n. 55 (TTAB 1999) ("Certainly a report by a government agency would be amenable to submission by notice of reliance as an official record.").

Based upon these authorities, Registrant respectfully requests that the attached material be admitted in evidence.

Dated: May 20, 2003

Respectfully submitted,

By  _____

Jennifer Lee Taylor
Attorney for Registrant

MORRISON & FOERSTER LLP
425 Market Street
San Francisco, California 94105-2482
Telephone: (415) 268-6538
Facsimile: (415) 268-7522