

ESTTA Tracking number: **ESTTA634907**

Filing date: **10/24/2014**

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

**Petition for Cancellation**

Notice is hereby given that the following party requests to cancel indicated registration.

**Petitioner Information**

Name	Aclaris Therapeutics, Inc.		
Entity	Corporation	Citizenship	Delaware
Address	101 Lindenwood Drive Suite 400 Malvern, PA 19355 UNITED STATES		

Attorney information	Keith Barritt Fish & Richardson P.C. P.O. Box 1022 Minneapolis, MN 55440-1022 UNITED STATES tmdoctc@fr.com, barritt@fr.com, erickson@fr.com Phone:202-783-5070		
----------------------	---	--	--

**Registrations Subject to Cancellation**

Registration No	4021169	Registration date	09/06/2011
International Registration No.	NONE	International Registration Date	NONE
Registrant	EXONHIT S.A. 63-65 boulevard Massena  FRANCE		

**Goods/Services Subject to Cancellation**

<p>Class 001. First Use: 0 First Use In Commerce: 0 All goods and services in the class are cancelled, namely: Chemicals and chemical compositions, namely, nucleic acids attached to a solid support for use in industry and science; analyses, namely, reagent for chemical analyses, namely, quantification of nucleic acid content in laboratories chemical preparations for analyses, other than for medical or veterinary use; biological preparations, namely, quantification of nucleic acid content other than for medical or veterinary use, namely, inoculants, namely, biological microorganisms used in fermentation of silage; chemical preparations for scientific use, other than for medical or veterinary use; chemical preparations or reagents for laboratory, other than for medical or veterinary use; chemical preparations for scientific use, namely, nucleic acid libraries to screen and analyze gene expression, to identify therapeutic targets and products, and to conduct pharmacogenomic and genotoxicity research in the fields of pharmacology, food, chemistry, cosmetology, plant protection, and veterinary sciences; chemical preparations for scientific use, namely, DNA biochips for decoding genes affected by the Alzheimer's disease or revealing the transcriptomic signature of patients affected with Alzheimer's disease, and DNA chips to make visible and analyze gene expression in the fields of human and pharmacological medicine and veterinary science</p>
<p>Class 005. First Use: 0 First Use In Commerce: 0 All goods and services in the class are cancelled, namely: Pharmaceutical preparations for treating neurodegenerative diseases and particularly Alzheimer's disease; tests, namely, a blood based biomarker test to identify patients with Alzheimer's disease or at risk of developing the disease and</p>

identifying patients responding to specific treatments; biological products and preparations acids for pharmaceutical use, namely, pharmaceutical preparations for the diagnostic of the Alzheimer's disease; capsules sold empty for medicines and diagnostic tests; chemical-pharmaceutical preparations for the diagnosis, the prevention or the treatment of Alzheimer's disease; biopharmaceutical preparations for the diagnosis, the prevention or the treatment of Alzheimer's disease; chemical preparations for medical, pharmaceutical or veterinary use, namely, for diagnosing neurodegenerative diseases and particularly Alzheimer's disease; medical and clinical diagnostic products, namely, probe sets, namely, subset of nucleic acid sequences and nucleic acid libraries, namely, DNA libraries and RNA libraries; nucleic acid sequences for use on biochips, namely, for decoding genes affected by the Alzheimer's disease or revealing the transcriptomic signature of patients affected with Alzheimer's disease; enzymes or enzyme preparations for medical or veterinary use, namely, enzymes stabilizers, namely, enzymes for medical purposes or veterinary use, namely, for treatment of Alzheimer's disease, enzyme substrates, namely, enzymes for medical purposes or veterinary use, namely, for treatment of Alzheimer's disease used as an ingredient in drugs against Alzheimer's disease

Class 010. First Use: 0 First Use In Commerce: 0

All goods and services in the class are cancelled, namely: Surgical, medical, dental and veterinary apparatus and instruments, namely, for disease identification, measure of disease severity, measure of disease prognosis, measure of disease progression, measure of disease conversion; medical devices, namely, biochips for analysis of blood; blood testing apparatus; devices, namely, biochips for medical diagnostics uses, namely, biochips for diagnosing Alzheimer's disease, namely, collection kit for blood sampling to perform the test in the right conditions; spoons for administering medicine; receptacles for applying medicines; ultrasound probes for medical use; syringes for medical use; galvanic therapeutic medical devices to diagnose neurodegenerative diseases and particularly Alzheimer's disease

Class 042. First Use: 0 First Use In Commerce: 0

All goods and services in the class are cancelled, namely: Research and development for third parties in relation to pharmaceutical molecules or biological markers, medicines for the diagnosis and treatment of neurodegenerative diseases; chemical analysis; chemical research; chemical services, namely, analysis of RNA, genes, tissue and blood sample; biotechnology project studies, namely, identifying population of patients affected by the Alzheimer disease and measuring the disease's severity, prognosis, progression and conversion and determining patients sensitivity to treatment; research and development of new products for third parties; biological research; research in biotechnology; technical research in the field of biotechnology; biotechnology analysis services

Class 044. First Use: 0 First Use In Commerce: 0

All goods and services in the class are cancelled, namely: Medical services; veterinary services; medical assistance services; providing medical information, consultancy and advisory services; hospital services; pharmacists' services relating to the pharmaceutical industry, namely, the filling of and making up prescriptions; health care; telemedicine services

## Grounds for Cancellation

Abandonment		Trademark Act section 14	
Other		lack of bona fide intent to use the mark on all goods and services at the time the application was filed	
Registration No	4024702	Registration date	09/13/2011
International Registration No.	NONE	International Registration Date	NONE
Registrant	EXONHIT S.A. 63-65 boulevard Massena  FRANCE		

## Goods/Services Subject to Cancellation

Class 001. First Use: 0 First Use In Commerce: 0

All goods and services in the class are cancelled, namely: Chemical preparations and composi-

tions, namely, nucleic acids attached to a solid medium, for industrial and scientific use; chemical fissile preparations for laboratory use; chemical fissile preparations for scientific research; chemical preparations for nucleic acids attached to a solid medium, other than for medical or veterinary purposes; biological preparations, other than for medical or veterinary purposes, namely, blood for enabling the quantification of nucleic acid content; chemicals for scientific use, other than for medical or veterinary purposes; chemical preparations or reagents for laboratory, namely, nucleic acid to screen and analyze gene expression, to identify therapeutic targets and products, and to conduct pharmacogenomic and genotoxicity research in the fields of pharmacology, food, chemistry, cosmetology, plant protection, and veterinary sciences; chemical preparations for scientific use, namely, nucleic acid libraries to screen and analyze gene expression, to identify therapeutic targets and products, and to conduct pharmacogenomic and genotoxicity research in the fields of pharmacology, food, chemistry, cosmetology, plant protection, and veterinary sciences; chemical preparations for scientific use, namely, DNA biochips for decoding genes affected by the Alzheimer's disease or revealing the transcriptomic signature of patients affected with Alzheimer's disease, and DNA chips to make visible and analyze gene expression in the fields of human and pharmacological medicine and veterinary science

Class 005. First Use: 0 First Use In Commerce: 0

All goods and services in the class are cancelled, namely: Pharmaceutical preparations for treating neurodegenerative diseases, particularly Alzheimer's disease; diagnostic reagents and media for medical use, namely, reagents and media for use in testing blood biomarkers, to enable the identification of patients suffering from Alzheimer's disease or at risk of developing the disease and for enabling the identification of patients responding to specific treatments; acidic biological preparations and products for pharmaceutical purposes, namely, pharmaceutical preparations for diagnosing Alzheimer's disease; capsules for diagnostic tests and medicines sold empty; chemico-pharmaceutical preparations for diagnosing, preventing and treating Alzheimer's disease; biopharmaceutical preparations for diagnosing, preventing and treating Alzheimer's disease; chemicals for medical, pharmaceutical or veterinary purposes, namely, chemicals for diagnosing neurodegenerative diseases, especially Alzheimer's disease; medical and clinical diagnosis testing kits comprised of nucleic acid banks, nucleic acids on DNA chips and testing probes; DNA libraries and RNA libraries for medical diagnostic purposes; nucleic acid sequences for use on biochips, for medical and medical diagnostic use, namely, for decoding genes affected by Alzheimer's disease or revealing the transcriptomic signature of patients suffering from Alzheimer's disease; enzymes or enzyme preparations for medical or veterinary purposes, namely, enzyme stabilizers and enzyme substrates used as ingredients in medicines for treatment of Alzheimer's disease; reagents contained in diagnostic test kits for taking blood samples, for the preservation of the biological material under analysis in order to carry out the test under the appropriate conditions

Class 010. First Use: 0 First Use In Commerce: 0

All goods and services in the class are cancelled, namely: Surgical, medical, dental and veterinary apparatus and instruments, namely, apparatus and instruments for use in identifying, assessing the seriousness of, assessing the prognoses of, measuring the progression of and measuring the conversion of neurodegenerative diseases such as Alzheimer's; medical apparatus using DNA chips for analyzing blood; apparatus for analyzing blood; apparatus for medical diagnostic purposes, namely, kits for taking blood samples comprising medical instruments for taking blood, DNA chips for diagnosing Alzheimer's disease, and material required for the preservation of the biological material under analysis in order to carry out the test under the appropriate conditions; spoons for medicines; containers specially adapted for the application of medicines, namely, bags and pouches used in the delivery of medication; probes for medical purposes; syringes for medical purposes; galvanic therapeutic devices for diagnosing neurodegenerative diseases, especially Alzheimer's disease

Class 042. First Use: 0 First Use In Commerce: 0

All goods and services in the class are cancelled, namely: Research and development for others of pharmaceutical molecules or biological markers and medicines for diagnosing and treating neurodegenerative diseases; chemical analyses; chemical research; chemical services, namely, analysis of RNA genes, tissues, and blood samples; biotechnological project studies to identify people suffering from Alzheimer's disease and to measure the seriousness, prognoses, progression and conversion of the disease and to determine how patients respond to treatments; research and development of new products for others; biological research; biotechnological research; technical research in the field of biotechnology; biotechnological analysis services; laboratory analyses, namely, quantification of nucleic acid content for medical and scientific research purposes

Class 044. First Use: 0 First Use In Commerce: 0

All goods and services in the class are cancelled, namely: Medical services; veterinary services; medical assistance; consulting in the fields of biotechnology and pharmacy, namely, to assist in the selection of Alzheimer's sufferers for clinical trials and to offer personalized treatments; hospitals; pharmacist's services to make up prescriptions; pharmaceutical advice; medical services, namely, facilitating the diagnosis and care of geriatric patients and patients with neurodegenerative diseases; health care; telemedicine services

## Grounds for Cancellation

Abandonment	Trademark Act section 14
Other	lack of bona fide intent to use the mark for all goods and services at the time the application was filed

Attachments	Aclaris v Exonhit Cancellation Petition.pdf(1188446 bytes )
-------------	---

## Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Keith Barritt/
Name	Keith Barritt
Date	10/24/2014

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

In the matter of Reg. No. 4,021,169  
For the mark ACLARUSDX  
Registered on September 6, 2011

And

In the matter of Reg. No. 4,024,702  
For the mark ACLARUSDX (stylized)  
Registered on September 13, 2011

---

---

Aclaris Therapeutics, Inc.

Petitioner,

v.

Exonhit S.A.,

Registrant.

---

---

CANCELLATION NO. \_\_\_\_\_

---

---

CONSOLIDATED PETITION FOR CANCELLATION

Aclaris Therapeutics, Inc. (“Aclaris” or “Petitioner”) is a Delaware corporation with a business address of 101 Lindenwood Drive, Suite 400, Malvern, Pennsylvania, 19355.

Petitioner believes that it is being damaged by registration of the marks shown in the above-identified registrations, and hereby petitions for cancellation of the registrations. The grounds for cancellation are as follows:

1. Petitioner has filed an application for the marks ACLARIS and ACLARIS THERAPEUTICS both for “pharmaceutical preparations for the treatment of dermatological diseases and disorders” (Ser. No. 85/937,246 and 85/937,229) (see Exhibit 1).
2. By final office actions dated April 29, 2014, the Examining Attorney of the U.S. Patent and Trademark Office reviewing these applications has cited as a bar to registration of Petitioner’s marks Reg. Nos. 4,021,169 for ACLARUSDX and 4,024,702 for ACLARUSDX (stylized).
3. The existence of Reg. Nos. 4,021,169 and 4,024,702 is causing damage to Petitioner.
4. Pursuant to Section 305 of the Trademark Trial and Appeal Board Manual of Procedure, consolidation of the cancellation actions against Reg. Nos. 4,021,169 and 4,024,702 is appropriate, as the marks are nearly identical (one being the stylized version of ACLARUSDX), the goods and services are also nearly identical, and Petitioner’s claims against each registration involve common questions of law and fact.

### **Count 1 – Abandonment**

5. Section 45 of the federal Lanham Act provides that a mark shall be deemed abandoned when its use in U.S. commerce has been discontinued with an intent not to resume such use.
6. Section 45 of the federal Lanham Act defines “use in commerce” as the bona fide use of a mark in the ordinary course of trade, and not made merely to reserve rights in the mark.
7. Petitioner is unaware of any current use in U.S. commerce of the marks depicted in Reg. Nos. 4,021,169 and 4,024,702.
8. As of October 24, 2014, the website available at [www.exhonit.com](http://www.exhonit.com) does not list ACLARUSDx among either the “commercialized products” nor the “in-house development products” in the diagnostics portfolio (see Exhibit 2).
9. Upon information and belief, the owner of Reg. Nos. 4,021,169 and 4,024,702 has ceased use in U.S. commerce of the marks depicted in the registrations with intent not to resume such use, thereby resulting in the abandonment of the marks under 15 U.S.C. § 1127.

**Count 2 – Lack of Bona Fide Intent to Use the Marks**

10. Under Section 66(a) of the federal Lanham Act, foreign trademark applicants filing U.S. applications based on ownership of an international registration must restrict the goods and services of the U.S. application to only those goods and services for which the applicant has a bona fide intent to use the mark in U.S. commerce.
  
11. Under *Honda Motor Co. v. Winkelman*, 90 USPQ2d 1660, 1664 (TTAB 2009), a trademark applicant in the United States that includes a claim of a bona fide intent to use a mark must be able to identify “specific facts that establish the existence of an ability and willingness to use the mark in the United States . . . at the time of the filing of the application.”
  
12. The goods and services in Reg. No. 4,021,169 are as follows:  
  
Class 1: chemicals and chemical compositions, namely, nucleic acids attached to a solid support for use in industry and science; analyses, namely, reagent for chemical analyses, namely, quantification of nucleic acid content in laboratories chemical preparations for analyses, other than for medical or veterinary use; biological preparations, namely, quantification of nucleic acid content other than for medical or veterinary use, namely, inoculants, namely, biological microorganisms used in fermentation of silage; chemical preparations for scientific use, other than for medical or veterinary use; chemical preparations or reagents for laboratory, other than for medical or veterinary use; chemical preparations for scientific use, namely, nucleic acid libraries to screen and analyze gene expression, to identify therapeutic targets and products, and to conduct pharmacogenomic and genotoxicity research in the fields of pharmacology, food, chemistry, cosmetology, plant protection, and veterinary sciences; chemical preparations for scientific use, namely, DNA biochips for decoding genes affected by the Alzheimer's disease or revealing the transcriptomic signature of patients affected with

Alzheimer's disease, and DNA chips to make visible and analyze gene expression in the fields of human and pharmacological medicine and veterinary science

Class 5: pharmaceutical preparations for treating neurodegenerative diseases and particularly Alzheimer's disease; tests, namely, a blood based biomarker test to identify patients with Alzheimer's disease or at risk of developing the disease and identifying patients responding to specific treatments; biological products and preparations acids for pharmaceutical use, namely, pharmaceutical preparations for the diagnostic of the Alzheimer's disease; capsules sold empty for medicines and diagnostic tests; chemical-pharmaceutical preparations for the diagnosis, the prevention or the treatment of Alzheimer's disease; biopharmaceutical preparations for the diagnosis, the prevention or the treatment of Alzheimer's disease; chemical preparations for medical, pharmaceutical or veterinary use, namely, for diagnosing neurodegenerative diseases and particularly Alzheimer's disease; medical and clinical diagnostic products, namely, probe sets, namely, subset of nucleic acid sequences and nucleic acid libraries, namely, DNA libraries and RNA libraries; nucleic acid sequences for use on biochips, namely, for decoding genes affected by the Alzheimer's disease or revealing the transcriptomic signature of patients affected with Alzheimer's disease; enzymes or enzyme preparations for medical or veterinary use, namely, enzymes stabilizers, namely, enzymes for medical purposes or veterinary use, namely, for treatment of Alzheimer's disease, enzyme substrates, namely, enzymes for medical purposes or veterinary use, namely, for treatment of Alzheimer's disease used as an ingredient in drugs against Alzheimer's disease

Class 10: surgical, medical, dental and veterinary apparatus and instruments, namely, for disease identification, measure of disease severity, measure of disease prognosis, measure of disease progression, measure of disease conversion; medical devices, namely, biochips for analysis of blood; blood testing apparatus; devices, namely, biochips for medical diagnostics uses, namely, biochips for diagnosing Alzheimer's disease, namely, collection kit for blood sampling to perform the test in the right conditions; spoons for administering medicine; receptacles for applying medicines; ultrasound probes for medical use; syringes for medical use; galvanic therapeutic medical devices to diagnose neurodegenerative diseases and particularly Alzheimer's disease

Class 42: research and development for third parties in relation to pharmaceutical molecules or biological markers, medicines for the diagnosis and treatment of neurodegenerative diseases; chemical analysis; chemical research; chemical services, namely, analysis of RNA, genes, tissue and blood sample; biotechnology project studies, namely, identifying population of patients affected by the Alzheimer disease and

measuring the disease's severity, prognosis, progression and conversion and determining patients sensitivity to treatment; research and development of new products for third parties; biological research; research in biotechnology; technical research in the field of biotechnology; biotechnology analysis services

Class 44: medical services; veterinary services; medical assistance services; providing medical information, consultancy and advisory services; hospital services; pharmacists' services relating to the pharmaceutical industry, namely, the filling of and making up prescriptions; health care; telemedicine services

13. The goods and services in Reg. No. 4,024,702 are as follows:

Class 1: chemical preparations and compositions, namely, nucleic acids attached to a solid medium, for industrial and scientific use; chemical fissile preparations for laboratory use; chemical fissile preparations for scientific research; chemical preparations for nucleic acids attached to a solid medium, other than for medical or veterinary purposes; biological preparations, other than for medical or veterinary purposes, namely, blood for enabling the quantification of nucleic acid content; chemicals for scientific use, other than for medical or veterinary purposes; chemical preparations or reagents for laboratory, namely, nucleic acid to screen and analyze gene expression, to identify therapeutic targets and products, and to conduct pharmacogenomic and genotoxicity research in the fields of pharmacology, food, chemistry, cosmetology, plant protection, and veterinary sciences; chemical preparations for scientific use, namely, nucleic acid libraries to screen and analyze gene expression, to identify therapeutic targets and products, and to conduct pharmacogenomic and genotoxicity research in the fields of pharmacology, food, chemistry, cosmetology, plant protection, and veterinary sciences; chemical preparations for scientific use, namely, DNA biochips for decoding genes affected by the Alzheimer's disease or revealing the transcriptomic signature of patients affected with Alzheimer's disease, and DNA chips to make visible and analyze gene expression in the fields of human and pharmacological medicine and veterinary science

Class 5: pharmaceutical preparations for treating neurodegenerative diseases, particularly Alzheimer's disease; diagnostic reagents and media for medical use, namely, reagents and media for use in testing blood biomarkers, to enable the identification of patients suffering from Alzheimer's disease or at risk of developing the disease and for enabling the identification of patients responding to specific treatments; acidic biological preparations and products for pharmaceutical purposes, namely, pharmaceutical preparations for diagnosing Alzheimer's disease; capsules

for diagnostic tests and medicines sold empty; chemico-pharmaceutical preparations for diagnosing, preventing and treating Alzheimer's disease; biopharmaceutical preparations for diagnosing, preventing and treating Alzheimer's disease; chemicals for medical, pharmaceutical or veterinary purposes, namely, chemicals for diagnosing neurodegenerative diseases, especially Alzheimer's disease; medical and clinical diagnosis testing kits comprised of nucleic acid banks, nucleic acids on DNA chips and testing probes; DNA libraries and RNA libraries for medical diagnostic purposes; nucleic acid sequences for use on biochips, for medical and medical diagnostic use, namely, for decoding genes affected by Alzheimer's disease or revealing the transcriptomic signature of patients suffering from Alzheimer's disease; enzymes or enzyme preparations for medical or veterinary purposes, namely, enzyme stabilizers and enzyme substrates used as ingredients in medicines for treatment of Alzheimer's disease; reagents contained in diagnostic test kits for taking blood samples, for the preservation of the biological material under analysis in order to carry out the test under the appropriate conditions

Class 10: surgical, medical, dental and veterinary apparatus and instruments, namely, apparatus and instruments for use in identifying, assessing the seriousness of, assessing the prognoses of, measuring the progression of and measuring the conversion of neurodegenerative diseases such as Alzheimer's; medical apparatus using DNA chips for analyzing blood; apparatus for analyzing blood; apparatus for medical diagnostic purposes, namely, kits for taking blood samples comprising medical instruments for taking blood, DNA chips for diagnosing Alzheimer's disease, and material required for the preservation of the biological material under analysis in order to carry out the test under the appropriate conditions; spoons for medicines; containers specially adapted for the application of medicines, namely, bags and pouches used in the delivery of medication; probes for medical purposes; syringes for medical purposes; galvanic therapeutic devices for diagnosing neurodegenerative diseases, especially Alzheimer's disease

Class 42: research and development for others of pharmaceutical molecules or biological markers and medicines for diagnosing and treating neurodegenerative diseases; chemical analyses; chemical research; chemical services, namely, analysis of RNA genes, tissues, and blood samples; biotechnological project studies to identify people suffering from Alzheimer's disease and to measure the seriousness, prognoses, progression and conversion of the disease and to determine how patients respond to treatments; research and development of new products for others; biological research; biotechnological research; technical research in the field of biotechnology; biotechnological analysis services; laboratory analyses, namely, quantification of nucleic acid content for medical and scientific research purposes

Class 44: medical services; veterinary services; medical assistance; consulting in the fields of biotechnology and pharmacy, namely, to assist in the selection of Alzheimer's sufferers for clinical trials and to offer personalized treatments; hospitals; pharmacist's services to make up prescriptions; pharmaceutical advice; medical services, namely, facilitating the diagnosis and care of geriatric patients and patients with neurodegenerative diseases; health care; telemedicine services

14. Upon information and belief, the applicant for what became Reg. Nos. 4,021,169 and 4,024,702 did not have the ability or willingness at the time the applications were filed to use the marks for all of the goods and services identified in the registrations, and therefore did not have the requisite bona fide intent to use the marks in violation of Section 66(a) of the Lanham Act.

WHEREFORE, pursuant to Section 14 of the Lanham Act, 15 U.S.C. § 1064, Petitioner respectfully requests that Reg. Nos. 4,021,169 and 4,024,702 be canceled and that this Petition to Cancel be sustained.

Respectfully submitted,

Aclaris Therapeutics, Inc.



Keith A. Barritt, Esq.  
FISH & RICHARDSON, P.C.  
P.O. Box 1022  
Minneapolis, MN 55440-1022  
phone: (202) 783-5070  
fax: (202) 783-2331  
Attorneys for Petitioner

October 24, 2014

41043678.doc

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

In the matter of Reg. No. 4,021,169  
For the mark ACLARUSDX  
Registered on September 6, 2011

And

In the matter of Reg. No. 4,024,702  
For the mark ACLARUSDX (stylized)  
Registered on September 13, 2011

---

---

Aclaris Therapeutics, Inc.  
Petitioner,

v.

Exonhit S.A.,  
Registrant.

---

---

CANCELLATION NO. \_\_\_\_\_

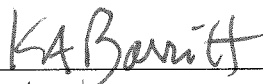
---

---

CERTIFICATE OF SERVICE

In accordance with 37 CFR 2.111(b), the undersigned hereby certifies that on October 24, 2014, a true copy of the foregoing CONSOLIDATED PETITION TO CANCEL was deposited in the U.S. mail, first-class, postage prepaid, addressed to the following owner of record (in the absence of a designated domestic representative) for Reg. Nos. 4,021,169 and 4,024,702:

Exonhit S.A.  
63-65 Boulevard Massena  
F-75013 Paris  
France

  
\_\_\_\_\_  
Signature

41043678.doc

# EXHIBIT 1



United States Patent and Trademark Office

[Home](#) | [Site Index](#) | [Search](#) | [FAQ](#) | [Glossary](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#) | [Help](#)

**Trademarks > Trademark Electronic Search System (TESS)**

TESS was last updated on Fri Oct 24 03:20:58 EDT 2014

[TESS HOME](#)
[NEW USER](#)
[STRUCTURED](#)
[FREE FORM](#)
[BROWSE DICT](#)
[SEARCH OG](#)
[BOTTOM](#)
[HELP](#)
[PREV LIST](#)
[CURR LIST](#)

[NEXT LIST](#)
[FIRST DOC](#)
[PREV DOC](#)
[NEXT DOC](#)
[LAST DOC](#)

[Logout](#) Please logout when you are done to release system resources allocated for you.

[Start](#) List At: \_\_\_\_\_ OR [Jump](#) to record: \_\_\_\_\_ **Record 1 out of 3**

[TSDR](#)
[ASSIGN Status](#)
[TTAB Status](#)
 ( Use the "Back" button of the Internet Browser to return to TESS)

# ACLARIS

<b>Word Mark</b>	ACLARIS
<b>Translations</b>	The word(s) "ACLARIS" has no meaning in a foreign language.
<b>Goods and Services</b>	IC 005. US 006 018 044 046 051 052. G & S: Pharmaceutical preparations for the treatment of dermatological diseases and disorders
<b>Standard Characters Claimed</b>	
<b>Mark Drawing Code</b>	(4) STANDARD CHARACTER MARK
<b>Serial Number</b>	85937246
<b>Filing Date</b>	May 20, 2013
<b>Current Basis</b>	1B
<b>Original Filing Basis</b>	1B
<b>Owner</b>	(APPLICANT) Aclaris Therapeutics, Inc. CORPORATION DELAWARE 101 Lindenwood Drive, Suite 400 Malvern PENNSYLVANIA 19355
<b>Attorney of Record</b>	Keith Barritt
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL
<b>Live/Dead Indicator</b>	LIVE

[TESS HOME](#)
[NEW USER](#)
[STRUCTURED](#)
[FREE FORM](#)
[BROWSE DICT](#)
[SEARCH OG](#)
[TOP](#)
[HELP](#)
[PREV LIST](#)
[CURR LIST](#)

[NEXT LIST](#)
[FIRST DOC](#)
[PREV DOC](#)
[NEXT DOC](#)
[LAST DOC](#)

---

[| HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)



United States Patent and Trademark Office

Home | Site Index | Search | FAQ | Glossary | Guides | Contacts | eBusiness | eBiz alerts | News | Help

Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Fri Oct 24 03:20:58 EDT 2014

[TESS HOME](#)
[NEW USER](#)
[STRUCTURED](#)
[FREE FORM](#)
[BROWSE DICT](#)
[SEARCH OG](#)
[BOTTOM](#)
[HELP](#)
[PREV LIST](#)
[CURR LIST](#)  
[NEXT LIST](#)
[FIRST DOC](#)
[PREV DOC](#)
[NEXT DOC](#)
[LAST DOC](#)

[Logout](#) Please logout when you are done to release system resources allocated for you.

[Start](#) List At: \_\_\_\_\_ OR [Jump](#) to record: **Record 2 out of 3**

[TSDR](#)
[ASSIGN Status](#)
[TTAB Status](#)
 ( Use the "Back" button of the Internet Browser to return to TESS)

# ACLARIS THERAPEUTICS

**Word Mark** ACLARIS THERAPEUTICS  
**Translations** The word(s) "ACLARIS" has no meaning in a foreign language.  
**Goods and Services** IC 005. US 006 018 044 046 051 052. G & S: Pharmaceutical preparations for the treatment of dermatological diseases and disorders  
**Standard Characters Claimed**  
**Mark Drawing Code** (4) STANDARD CHARACTER MARK  
**Serial Number** 85937229  
**Filing Date** May 20, 2013  
**Current Basis** 1B  
**Original Filing Basis** 1B  
**Owner** (APPLICANT) Aclaris Therapeutics, Inc. CORPORATION DELAWARE 101 Lindenwood Drive, Suite 400 Malvern PENNSYLVANIA 19355  
**Attorney of Record** Keith Barritt  
**Disclaimer** NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "THERAPEUTICS" APART FROM THE MARK AS SHOWN  
**Type of Mark** TRADEMARK  
**Register** PRINCIPAL  
**Live/Dead Indicator** LIVE

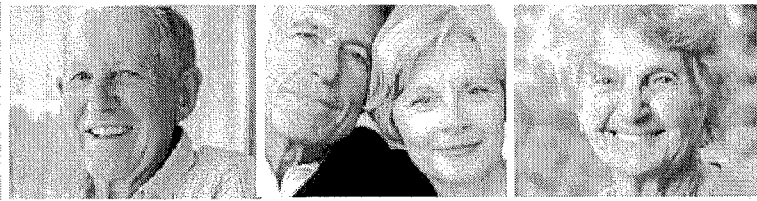
[TESS HOME](#)
[NEW USER](#)
[STRUCTURED](#)
[FREE FORM](#)
[BROWSE DICT](#)
[SEARCH OG](#)
[TOP](#)
[HELP](#)
[PREV LIST](#)
[CURR LIST](#)

[NEXT LIST](#) [FIRST DOC](#) [PREV DOC](#) [NEXT DOC](#) [LAST DOC](#)

---

[| HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)

# EXHIBIT 2




The new Diaxonhit group is a French fully integrated leader, involved from research to commercialization of specialty in vitro diagnostic products.

**Navigation**


- DIAGNOSTICS
  - ▶ PORTFOLIO
  - ▶ DISEASES
  - ▶ COLLABORATIONS
  - ▶ LITERATURE

**Print**

CLICK HERE TO PRINT 

CLICK HERE TO DOWNLOAD AS PDF 

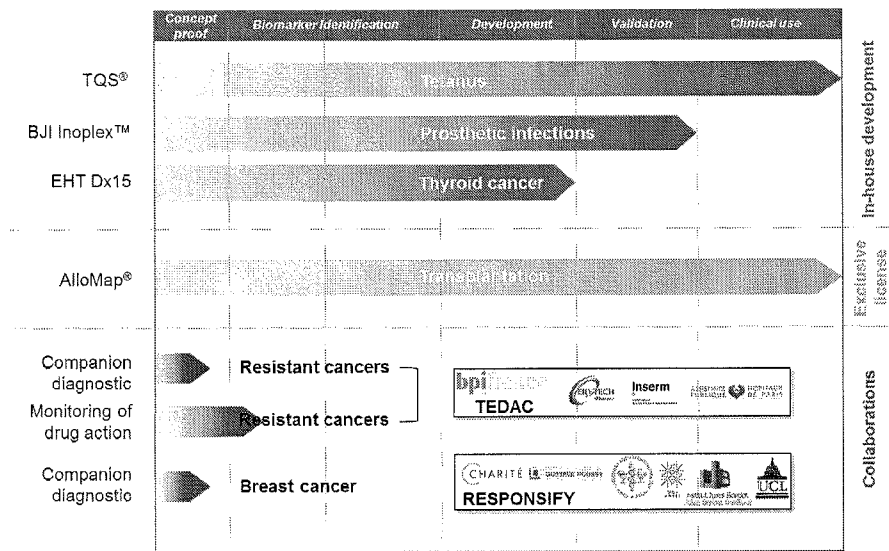
**Send this article**

CLICK HERE TO SEND THIS ARTICLE TO A FRIEND 

Home » Diagnostics » Portfolio

**Portfolio**

- > [Commercialized products](#)
- > [In-house development products](#)
- > [Exclusive license products](#)
- > [Co-developed with Partners products](#)



**Commercialized products**

**Tétanos Quick Stick® (TQS)**

Tétanos Quick Stick® (TQS) is able to provide a reliable and rapid assessment, in emergency clinics, to assist in the decision of which personalized anti-tetanus prophylaxis is appropriate.

Tétanos Quick Stick® (TQS) is a unitary test that allows, within 10 minutes, the determination of the tetanus vaccination status of a patient with an at risk wound. Using TQS avoids hyper-immunization and limits the administration of unnecessary immunoglobulin injections.

Our distributors of Tétanos Quick Stick® (TQS) : [Europe](#) et [Asia](#).

## In-house development products

### BJI InoPlex™

The BJI InoPlex™ kit, is an innovative test that allows the detection of infections linked to articular prosthesis. It is the first non-invasive multi-parameter serologic test to aid in the diagnosis of articular prosthesis infections. BJI InoPlex™ provides objective and relevant information to the medical team by complementing the biological, radiological, clinical and imaging tools to assist in a differential diagnosis between mechanical failure of the prosthesis and infection.

Developed for use with Luminex technology, BJI InoPlex™ uses a combination of several recombinant protein antigens to test for anti-bacterial IgG.

The identification of antigens able to detect antibodies directed towards several bacteria involved in prosthesis infections allows for a higher performing test to be developed.

A computer algorithm associated with the test measures the intensity response and the number of positive antigens.

Used in combination with other clinical, biological and imaging tools, BJI InoPlex™ provides a rapid response, within two hours :

- to aid in the biological diagnosis of the infection,
- to provide biological monitoring of antibiotic therapy,
- to perform serological monitoring and help detect a risk of infection.

#### References :

-Comparative serologic proteome analysis of Staphylococcus aureus and S. epidermidis exoproteins in prosthetic joint infections, Nuyttens et al, Pathologie Biologie 59 (2011) 1–8

### Dx15

Deriving strength from its expertise acquired through the development of EHT Dx14, Diaxonhit decided to develop a new signature for the diagnostic of thyroid cancer: EHT Dx15.

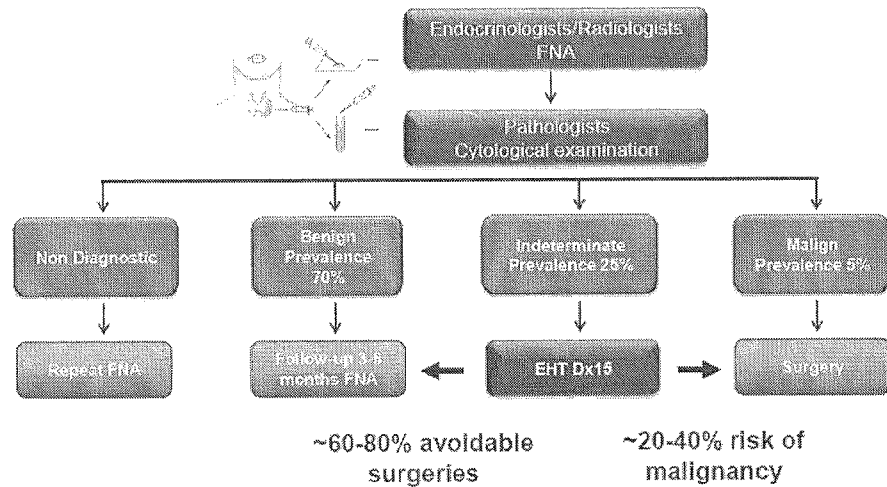
The thyroid nodules are frequent - prevalence of 4 to 7 % (1) in the general population -, but only 5% of them are malignant (2). The reference test for the diagnostic of thyroid cancer is the thyroid FNA followed by a cytological examination with microscope.

The Bethesda classification recommendations, of which the French Society of Clinical Cytology published a French version in 2012(3), allow the standardization of cytology results:

Diagnostic category	Risk of malignancy (%)	Follow up
<b>Non diagnostic or Unsatisfactory</b>	Sample nature	Repeat FNA with ultrasound guidance
<b>Benign</b>	0-3	Clinical follow-up 3-6 months FNA
<b>Atypia of Undetermined Significance or Follicular Lesion of Undetermined Significance</b>	~ 5-15	Repeat FNA in 3 to 6 months with US guidance
<b>Follicular Neoplasm or Suspicious for a Follicular Neoplasm</b>	15-30	Surgical lobectomy
<b>Suspicious for Malignancy</b>	60-75	Near-total thyroidectomy or surgical lobectomy
<b>Malign</b>	97-99	Near-total thyroidectomy

In this system, 3 categories, which represent from 15% to 30% of all results, end with an uncertain diagnosis. In these cases, physicians regularly procede with the partial or total ablation of the thyroid gland.

EHT Dx 15 will determine the malignant or benign nature of a FNA sample classified as "undetermined" by the current clinical assessment guidelines, and ultimately avoid unnecessary surgeries.



**Références :**

- 1 Bachelot et al, Médecine Thérapeutique Endocrinologie & Reproduction, Volume 4, Numéro 1, 48-52, Janvier-Février 2002, Diagnostic
- 2 Recommandations de la Société Française d'endocrinologie pour la prise en charge des nodules thyroïdiens-septembre 2011
- 3 Cochand-Priollet B, et al.Cytopathologie thyroïdienne : le système de Bethesda 2010. Annales de Pathologie (2012), doi:10.1016/j.annpat.2012.02.015

[BACK TO TOP](#)

**Exclusive license products**

**"AlloMap®**

AlloMap® is a gene-expression profiling based blood test. The test is a new method for regular and non-invasive surveillance of heart transplant recipients for acute cellular rejection, thereby contributing to patient follow-up optimization. AlloMap provides unique information regarding the body's immune response to a transplanted heart in the form of an objective score.

The test has been clinically validated in four major clinical studies in the US and Europe, involving over 2,000 heart transplant recipients and 40 clinical centers. Surveillance of heart recipients with the non-invasive AlloMap test has been shown to be as effective as surveillance with biopsies in heart transplantation clinical outcomes, based on the landmark IMAGE study published in the New England Journal of Medicine in April 2010.

The International Society of Heart and Lung Transplantation recommended AlloMap testing in its guidelines for the management of heart transplant recipients in August 2010.

Developed and marketed since 2005 by XDx in the United States as a CLIA certified test, AlloMap was cleared in 2008 by the U.S. Food and Drug Administration through the 510K de novo process, and has gained acceptance by heart transplantation key opinion leaders to aid in the management of their patients as an alternative surveillance method. 2,000 heart transplants are performed annually in the United States in 120 medical centers, and over 90 centers have used AlloMap. To date, more than 10,000 patients have received the test in the United States. The use of AlloMap has extensive reimbursement coverage by both private and government health insurance. The test received CE marking in 2011.

Diaxonhit will promote AlloMap in Europe through its wholly owned subsidiary, InGen, the leader in France for marketing tests related to transplantation and histocompatibility testing.

1. Pham et al. Gene-Expression Profiling for Rejection Surveillance after Cardiac Transplantation. N Engl J Med 2010;362(20):1890-900."

[BACK TO TOP](#)

## Co-developped with Partners products

### **TEDAC Consortium :**

Headed by project leader ERYTECH Pharma, the consortium includes Diaxonhit, AP-HP (Paris Public Hospitals), Inserm (National Institute for medical research), and Paris-Diderot University. It aims at developing innovative therapies for the enzymatic treatment of chemo- or radio- resistant cancers, and tools enabling personalized care of patients.

#### Companion diagnostic for resistant cancers

Diaxonhit will be responsible for two phases of the project that utilize its hGWSA technology, which enables the study of the transcriptomic profile of tumors;

- 1) the identification of biomarkers of susceptibility to therapeutic response in the context of reducing the risks associated with the development of treatments, and
- 2) the development of an enzymatic therapy companion diagnostic that will identify responders, thus improving personalized care.

#### Test for treatment monitoring

Diaxonhit is also in charge of the development of a test to monitor the direct effect of drug activity by measuring the depletion of amino acids. The test result will allow the clinician to adjust and optimize an individual patient's therapeutic regimen.



### **Responsify Consortium : Companion diagnostic in breast cancers**

Diaxonhit was selected with prestigious academic partners and other european companies to participate to a european consortium focusing on personalized medicine. Its objective is to identify predictive biomarkers of response to two treatments of breast cancer, anti-HER2 (Herceptin) and anti-angiogenic (Avastin) therapies marketed by Roche. The group will be in charge of commercialization of predictive tests identified on its hGWSA platform.



[BACK TO TOP](#)