

ESTTA Tracking number: **ESTTA1271086**

Filing date: **03/09/2023**

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

Application serial no.	79313560
Applicant	BIOSYNEX

Notice of Appeal

Notice is given that BIOSYNEX appeals to the Trademark Trial and Appeal Board the refusal to register the application or the cancellation of the registration.

The following goods or services are at issue on appeal:

- Class 001. First Use: None First Use In Commerce: None
All goods and services in the class are appealed, namely: Chemical products for use in industry and science; chemical reagents, other than for medical or veterinary purposes ; diagnostic preparations other than for medical or veterinary purposes ; Chemically-treated nonmedical strips for chemical and biological analysis
- Class 005. First Use: None First Use In Commerce: None
All goods and services in the class are appealed, namely: Chemical and biological reagents and products for medical or veterinary purposes, namely, reagents for use in diagnostic tests, reagents for use in diagnostic tests for screening purposes, reagents for medical use, chemical reagents for medical purposes, diagnostic biomarker reagents for medical use; immunoassay reagents for medical use, reagent paper for medical purposes; reagents and preparations for pregnancy tests, chemical preparations for use in DNA medical analysis and Chemicals for use in RNA analysis for medical purposes; diagnostic products for medical purposes, namely, medical diagnostic test strips for the detection of coronavirus, viruses, bacteria or parasite for medical purposes, medical diagnostic test strips for measuring blood glucose levels, medical diagnostic test strips for measuring cholesterol levels, triglycerides, cardiac markers or any other biomedical marker; testing kits comprised of medical diagnostic agents, preparations and substances for medical purposes for use in disease detection, namely, coronavirus, HIV, respiratory viral infections, hepatitis B, hepatitis C, influenza, infectious mononucleosis, dengue, norovirus, rotavirus, adenovirus, urinary tract infections, colorectal cancer, C-reactive protein, cyclic citrullinated peptide, premature rupture of the fetal membranes, Chlamydia trachomatis, helicobacter pylori, legionnaire's disease, pneumonia, syphilis, tetanus, malaria, mycoses, herpes, rubella, whooping cough, Lyme disease; preparations and substances for medical purposes for use in drugs detection, namely, amphetamines, buprenorphine, cocaine, cotinine, methadone, fentanyl, methamphetamines, morphine, oxycodone, phencyclidine, cannabis, tramadol; pregnancy test kits and ovulation test kits for home use; diagnostic test kits comprised of medical diagnostic, for medical purposes for the detection of coronavirus, viruses, bacteria or parasite for medical purposes; in vitro diagnostic preparations for medical use for the detection of coronavirus, viruses, bacteria or parasite for medical purposes; self-testing diagnostic kits comprising in vitro diagnostic agents, preparations and substances for medical purposes for the detection of coronavirus, viruses, bacteria or parasite for medical purposes; medical diagnostic test kits for the detection of coronavirus, viruses, bacteria or parasite for medical purposes; medical diagnostic reagents and assays for testing of body fluids for the detection of coronavirus, viruses, bacteria or parasite for medical purposes; medical diagnostic reagents; chemical reagents for medical or veterinary purposes
- Class 010. First Use: None First Use In Commerce: None
All goods and services in the class are appealed, namely: Diagnostic apparatus for medical purposes, namely, blood testing apparatus; genetic testing apparatus for medical purposes; apparatus for analysing substances for medical use, namely, hematology, biochemistry, cardiac markers, infectiology and rapid tests; diagnostic test readers for medical use; medical diagnostic apparatus for testing DNA and RNA samples; medical apparatus and instruments, namely, instruments for loop-mediated isothermal amplification for medical purposes; quantitative Polymerase Chain Reaction [PCR] instruments for medical use; real-time polymerase chain reaction (PCR) instruments for medical purposes; apparatus for carrying-out diagnostic tests for medical purposes, namely, readers for rapid tests interpretation, centrifuges; testing instruments for medical diagnostic purposes, namely, for the detection of coronavirus, viruses, bacteria or

parasite for medical purposes; apparatus for analysing bacteria in biological samples for medical use, namely, readers for rapid tests interpretation and centrifuges; capillary tubes for samples; medical specimen cups; specimen cup holders; apparatus for taking body fluid samples, namely, medical devices for obtaining body fluid samples; gloves for medical purposes, sanitary masks for medical purposes, thermometers for medical use, chemically activated hot and cold gel packs for medical purposes; cooling patches for medical purposes; Ice bags for medical purposes, first-aid cooling patches, elastic bandages, Bandages for orthopaedic purposes

- Class 042. First Use: None First Use In Commerce: None
All goods and services in the class are appealed, namely: Chemical analysis and research services; biological research; bacteriological research; chemical research; pharmaceutical research services; calibration of devices employed in such services

Respectfully submitted,

/Joseph Sofer/

03/09/2023

JOSEPH SOFER

IPSILON USA, LLP

110 W 40TH STREET

SUITE 2001

NEW YORK, NY 10018

UNITED STATES

Primary email: jsofer@ipsilon-ip.com

Secondary email(s): dockets@ipsilon-ip.com, gantrim@ipsilon-ip.com

2126972800

Docket no.	1300-1175
------------	-----------