

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451
General Contact Number: 571-272-8500

nmt

Mailed: February 20, 2015

Opposition No. 91218833

Horus Pharma

v.

Ricardo A. Fuenmayor

Elizabeth A. Dunn, Attorney:

Inasmuch as opposer consented thereto in its November 21, 2014 filing, applicant's November 17, 2014 request for an extension of time to file his answer is GRANTED inasmuch as proceedings are considered to have been suspended with the filing of the motion.

On November 18, 2014, applicant filed an unconsented motion to amend the identification of goods in his opposed Application Serial No. 86157681. On November 21, 2014, opposer filed an opposition to the amendment and moved for expungement of an communication marked "for settlement purposes only."

On November 26, 2014, applicant filed a proposed amendment to its application Serial No. 86157681, with opposer's consent, which stated that, contingent upon acceptance of the amendment, the Board could consider the

earlier amendment and “relevant portions” of Opposer’s opposition thereto to be moot.

By the proposed amendment applicant seeks to amend the identification of goods in International Class 10 as follows:

from

"Beautifying devices, namely, surgical and medical implant devices comprised of artificial materials for use in cosmetic surgery for the stretching of the user's face, skin, thus minimizing his/her wrinkles, for the specific purpose of obtaining a younger look; medical devices, namely, surgical implant devices comprised primarily of artificial materials for use in plastic surgery as cosmetic devices for improving appearance"

to (new language underlined):

"Beautifying devices, namely, surgical and medical implant devices comprised of artificial materials for use in cosmetic surgery for the stretching of the user's face, skin, thus minimizing his/her wrinkles, for the specific purpose of obtaining a younger look, all of the foregoing excluding ophthalmological products and devices, dermatological products and devices, anti-infective, anti-inflammatory, antiviral, anti-allergy, healing and edema and dry-eye disease products and devices; medical devices, namely, surgical implant devices comprised primarily of artificial materials for use in plastic surgery as cosmetic devices for improving appearance, all of the foregoing excluding ophthalmological products and devices, dermatological products and devices, anti-infective, anti-inflammatory, antiviral, anti-allergy, healing and edema and dry-eye disease products and devices."

Inasmuch as the amendment is clearly limiting in nature as required by Trademark Rule 2.71(a), and because opposer consents thereto, the amendment is approved and entered. See Trademark Rule 2.133(a). The contingency having

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been met, applicant's motion to amend filed November 18, 2014 will receive no further consideration.

With respect to opposer's motion for expungement, the Board does not expunge its records. However, if the parties submit a redacted copy of the same document for public viewing, the Board will mark the filing confidential, which will shield it from public view. Absent submission of a redacted copy, the Board will take no further action with respect to opposer's motion for expungement

If the amendment resolves this proceeding, opposer is allowed until thirty days from the mailing date of this order to file a withdrawal of the opposition, failing which the opposition will go forward on the application as amended. *See* Trademark Rule 2.106(c).

If no response is filed, proceedings will be resumed and dates reset, as appropriate.

Proceedings are otherwise suspended.