

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

CME/mt

Mailed: April 11, 2018

Opposition No. 91236955

Jazz Pharmaceuticals, Inc.

v.

Resdevco Ltd.

Christen M. English, Interlocutory Attorney:

On April 4, 2018, Applicant filed a motion to amend its involved application Serial No. 79188454, with Opposer's consent.¹ By the proposed amendment, Applicant seeks to amend the identification of goods in the application to add the language set forth in bold below:

Pharmaceutical preparations, namely, anti-irritant, anti-inflammatory solutions for injection to treat arthrosis and arthritis, **excluding pharmaceutical preparations and substances for the treatment and/or management of, the central nervous system, sleep disorders, cognitive disorders, fibromyalgia, insomnia, narcolepsy, and neurological or psychiatric diseases or disorders.**

¹ Applicant's motion does not include proof of service on Opposer as required by Trademark Rule 2.119, 37 C.F.R. § 2.119, but on April 5, 2018, Opposer filed a motion to suspend (also without proof of service) acknowledging Applicant's motion to amend. Accordingly, the Board will consider Applicant's motion. Both parties are reminded that each submission filed with the Board **must** include proof of service and actually be served on the other party in accordance with Trademark Rule 2.119.

Because the amendment is limiting in nature, as required by Trademark Rule 2.71(a), 37 C.F.R. § 2.171(a), and because Opposer consents thereto, the amendment is approved and entered. Trademark Rule 2.133(a), 37 C.F.R. § 2.133(a).

If the amendment resolves this proceeding, Opposer is allowed until thirty days from the mailing date of this order to withdraw the opposition, failing which the opposition will go forward on the application as amended. Trademark Rule 2.106(c), 37 C.F.R. § 2.106(c). If no response is filed, proceedings will be resumed and dates reset, as appropriate. Proceedings are otherwise suspended.²

² In view of this suspension, Opposer's motion to suspend, filed April 5, 2018, is moot and will be given no further consideration.