

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
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vw/apb

March 5, 2019

Opposition No. 91245889

*Celator Pharmaceuticals, Inc.*

*v.*

*Vytalyx Inc. dba Vytalyx*

**By the Trademark Trial and Appeal Board:**

On February 20, 2019, Applicant filed a stipulated renewed proposed amendment to involved application Serial No. 87719755, and Opposer's withdrawal of the opposition, contingent upon entry of the amendment.

By the renewed proposed amendment, the parties agree to amend the identification of goods in International Class 5 from

Compounded pharmaceuticals, namely, sterile injectables, non-sterile solutions, suspensions, ointments, creams, powders, capsules, tablets and troches for use in the areas of, Weight management, Erectile dysfunction treatment, Male hormone replacement treatment, Female hormone replacement treatment, Bio-identical hormone replacement, Adrenal dysfunction treatment, Thyroid dysfunction treatment, Pain management, Palliative care, Sports medicine, Amino acid replacement therapy, Mineral replacement therapy, Vitamin replacement therapy, Anti-aging therapy, Dermatology, Fertility, Growth Hormone therapy; and Anticonvulsant agents, Antihypertensive agents, Antidiabetic agents, Non-steroidal anti-inflammatory agents, Anesthetic agents, Vasoactive agents, Lipotropic agents, Chelating agents, Psychoactive agents; Compounded personalized pharmaceuticals, namely, sterile injectables, non-sterile solutions, suspensions, ointments, creams, powders, capsules, tablets and for use in the areas of, Weight management, Erectile dysfunction treatment, Male hormone

replacement treatment, Female hormone replacement treatment, Bio-identical hormone replacement, Adrenal dysfunction treatment, Thyroid dysfunction treatment, Pain management, Palliative care, Sports medicine, Amino acid replacement therapy, Mineral replacement therapy, Vitamin replacement therapy, Anti-aging therapy, Dermatology, Fertility, Growth Hormone therapy; and Anticonvulsant agents, Antihypertensive agents, Antidiabetic agents, Non-steroidal anti-inflammatory agents, Anesthetic agents, Vasoactive agents, Lipotropic agents, Chelating agents, Psychoactive agents; Compounded personalized pharmaceuticals, namely, sterile injectables, non-sterile solutions, suspensions, ointments, creams, powders, capsules, tablets and troches based on medical, genetic, genomic, nutrigenomic, pharmacogenomic, microbiomic, metabolomic, proteomic, biochemistry, biomarker, health, dietary, nutrition, exercise, physical fitness, lifestyle and personal information for use in the areas of, Weight management, Erectile dysfunction treatment, Male hormone replacement treatment, Female hormone replacement treatment, Bio-identical hormone replacement, Adrenal dysfunction treatment, Thyroid dysfunction treatment, Pain management, Palliative care, Sports medicine, Amino acid replacement therapy, Mineral replacement therapy, Vitamin replacement therapy, Anti-aging therapy, Dermatology, Fertility, Growth Hormone therapy; and Anticonvulsant agents, Antihypertensive agents, Antidiabetic agents, Non-steroidal anti-inflammatory agents, Anesthetic agents, Vasoactive agents, Lipotropic agents, Chelating agents, Psychoactive agents; Genetic marker tests comprised of reagents for medical purposes; Medical diagnostic reagents and assays for testing of body fluids in the nature of genomic, microbiomic, metabolomic, and biochemical tests; Medical diagnostic test kits comprised of medical diagnostic reagents and assays used to collect test samples for analyzing DNA, blood, hair, saliva and stool information for use in DNA, blood, hair, saliva and stool testing of humans; Kits comprised of medical diagnostic reagents and assays for use in genetic, genomic, microbiomic, metabolomic, and biochemical testing; Kits comprised of medical diagnostic reagents and assays for use in DNA, blood, hair, saliva and stool testing of humans; Medical diagnostic test media in the form of strips, threads, swabs, cartridges, and collection tubes for collecting and analyzing genetic, genomic, microbiomic, metabolomic, and biochemical data

to (additional wording in bold, deleted wording struck through)

Compounded pharmaceuticals, namely, sterile injectables, non-sterile solutions, suspensions, ointments, creams, powders, capsules, tablets and troches for use in the areas of, ~~Weight management, Erectile dysfunction treatment, Male hormone replacement treatment, Female hormone replacement treatment, Bio-identical hormone replacement, Adrenal dysfunction treatment, Thyroid dysfunction treatment, Pain management,~~

~~Palliative care, Sports medicine, Amino acid replacement therapy, Mineral replacement therapy, Vitamin replacement therapy, Anti-aging therapy, Dermatology, Fertility, Growth Hormone therapy; and Anticonvulsant agents, Antihypertensive agents, Antidiabetic agents, Non-steroidal anti-inflammatory agents, Anesthetic agents, Vasoactive agents, Lipotropic agents, Chelating agents, Psychoactive agents; Compounded personalized pharmaceuticals, namely, sterile injectables, non-sterile solutions, suspensions, ointments, creams, powders, capsules, tablets and for use in the areas of, Weight management, Erectile dysfunction treatment, Male hormone replacement treatment, Female hormone replacement treatment, Bio-identical hormone replacement, Adrenal dysfunction treatment, Thyroid dysfunction treatment, Pain management, Palliative care, Sports medicine, Amino acid replacement therapy, Mineral replacement therapy, Vitamin replacement therapy, Anti-aging therapy, Dermatology, Fertility, Growth Hormone therapy; and Anticonvulsant agents, Antihypertensive agents, Antidiabetic agents, Non-steroidal anti-inflammatory agents, Anesthetic agents, Vasoactive agents, Lipotropic agents, Chelating agents, Psychoactive agents; Compounded personalized pharmaceuticals, namely, sterile injectables, non-sterile solutions, suspensions, ointments, creams, powders, capsules, tablets and troches based on medical, genetic, genomic, nutrigenomic, pharmacogenomic, microbiomic, metabolomic, proteomic, biochemistry, biomarker, health, dietary, nutrition, exercise, physical fitness, lifestyle and personal information for use in the areas of, Weight management, Erectile dysfunction treatment, Male hormone replacement treatment, Female hormone replacement treatment, Bio-identical hormone replacement, Adrenal dysfunction treatment, Thyroid dysfunction treatment, Pain management, Palliative care, Sports medicine, Amino acid replacement therapy, Mineral replacement therapy, Vitamin replacement therapy, Anti-aging therapy, Dermatology, Fertility, Growth Hormone therapy; and Anticonvulsant agents, Antihypertensive agents, Antidiabetic agents, Non-steroidal anti-inflammatory agents, Anesthetic agents, Vasoactive agents, Lipotropic agents, Chelating agents, Psychoactive agents; Genetic marker tests comprised of reagents for medical purposes; Medical diagnostic reagents and assays for testing of body fluids in the nature of genomic, microbiomic, metabolomic, and biochemical tests; Medical diagnostic test kits comprised of medical diagnostic reagents and assays used to collect test samples for analyzing DNA, blood, hair, saliva and stool information for use in DNA, blood, hair, saliva and stool testing of humans; Kits comprised of medical diagnostic reagents and assays for use in genetic, genomic, microbiomic, metabolomic, and biochemical testing; Kits comprised of medical diagnostic reagents and assays for use in DNA, blood, hair, saliva and stool testing of humans; Medical diagnostic test media in the form of strips, threads, swabs, cartridges, and collection tubes for collecting and analyzing genetic, genomic, microbiomic, metabolomic, and biochemical data; all of the aforesaid, excluding, compounded~~

**pharmaceuticals and compounded personalized pharmaceuticals for the treatment of cancer**

The amendment is limiting in nature, as required by Trademark Rule 2.71(a). Because Opposer consents thereto, the amendment is approved and entered. *See* Trademark Rule 2.133(a).

The contingency in Opposer's withdrawal having now been met, and because no answer is of record, the opposition is dismissed without prejudice. *See* Trademark Rule 2.106(c).