

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: LEO Pharma A/S
Serial Number: 88/466,245
Filing Date: June 10, 2019
Mark: VELTIN

Commissioner for Trademarks
P.O. Box 1451
Alexandria, Virginia 22313-1451

PETITION TO MAKE SPECIAL

Pursuant to Trademark Rule 2.146, Applicant respectfully requests that the Director grant this petition to make special and expedite the processing of this application so it may: (1) replace Applicant's inadvertently cancelled prior registration; and (2) record the mark with U.S. Customs and Border Protection to prevent counterfeit goods from entering the United States.

According to §1710 of the Trademark Manual of Examining Procedure "An application for registration of a mark that was the subject of a previous registration that was inadvertently cancelled or expired will be made 'special' upon applicant's request. No petition is required in this situation." In this case, the Applicant's previous registration for VELTIN, U.S. Trademark Registration No. 4,023,334 for "pharmaceuticals, namely, dermatological preparations for topical use" in Class 5, was inadvertently cancelled due to failure to file the Declaration of Use under Section 8. On June 10, 2019 Applicant filed the present application for "pharmaceuticals, namely, dermatological preparations for topical use; medicated skin care preparations; skin care pharmaceutical preparations for medical use in beauty and cosmetic treatments" in Class 5.

Given the above, the present application should be made "special" because it replaces the Applicant's inadvertently cancelled registration for nearly identical goods.

Additionally, § 1710.01 of the Trademark Manual of Examining Procedure states that a common reason for granting petitions to make "special" is the existence of actual or threatened infringement. In this case, Applicant's products have previously been counterfeited and Applicant has relied on U.S. Customs and Border Protection to assist it in combatting such counterfeits. At present, Applicant's mark cannot be registered with the U.S. Customs and Border Protection's trademark recordation system for monitoring the importation of goods that infringe registered marks without an active registration on the Principal Register. In view of this, Applicant faces the risk of infringement through counterfeiting.

Accordingly, Applicant respectfully requests that the Director make this application special and advance the initial examination of this application so the mark can mature to registration and be recorded with U.S. Customs and Border Protection.

As required, Applicant submits with this petition a Declaration in Support of Petition to Make Special.

The required petition fee of \$100 has been submitted electronically with this petition. If the fee is found to be insufficient for any reason, please charge the deficiency to Deposit Account No. 06-0916.

Serial No. 88/466,245

Respectfully submitted,

LEO Pharma A/S

Dated: July 16, 2019

by: /B. Brett Heavner/

B. Brett Heavner
Attorney for Applicant

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Attachments: Declaration in Support of Petition to Make Special