

**To:** Advaxis, Inc. ([trademarkadmin@lernerdavid.com](mailto:trademarkadmin@lernerdavid.com))  
**Subject:** U.S. TRADEMARK APPLICATION NO. 87123982 - MINE - ADVAX-10  
**Sent:** 6/1/2017 9:57:42 AM  
**Sent As:** ECOM104@USPTO.GOV  
**Attachments:**

**UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)  
OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION**

U.S. APPLICATION SERIAL NO. 87123982

MARK: MINE

**\*87123982\***

**CORRESPONDENT ADDRESS:**

THOMAS M. PALISI  
LERNER, DAVID, LITTENBERG, KRUMHOLZ & ME  
600 SOUTH AVENUE WEST  
WESTFIELD, NJ 07090

**GENERAL TRADEMARK INFORMATION:**

<http://www.uspto.gov/trademarks/index.jsp>

[VIEW YOUR APPLICATION FILE](#)

**APPLICANT:** Advaxis, Inc.

**CORRESPONDENT'S REFERENCE/DOCKET NO :**

ADVAX-10

**CORRESPONDENT E-MAIL ADDRESS:**

trademarkadmin@lernerdavid.com

**SUSPENSION NOTICE: NO RESPONSE NEEDED**

**ISSUE/MAILING DATE:**

The trademark examining attorney is suspending action on the application for the reason(s) stated below. *See* 37 C.F.R. §2.67; TMEP §§716 *et seq.*

The following advisory has been withdrawn: Advisory of prior-filed application No. 85956809 (now U.S. Registration No. 5119703) as potential bar to registration. *See* TMEP §§713.02, 714.04.

However, the effective filing date of the pending application identified below precedes the filing date of applicant's application. The examining attorney has considered the applicant's arguments against the pending application as a potential cite, however, the examining attorney is unable to assess the relation between the goods applied-for mark and the prior-filed application at this time.

If the mark in the referenced application registers, applicant's mark may be refused registration under Section 2(d) because of a likelihood of confusion with that registered mark(s). *See* 15 U.S.C. §1052(d); 37 C.F.R. §2.83; TMEP §§1208 *et seq.* Therefore, action on this application is suspended until the earlier-filed referenced application(s) is either registered or abandoned. 37 C.F.R. §2.83(c). A copy of information relevant to this referenced application(s) was sent previously.

- Application Serial No. 86800767

The USPTO will periodically conduct a status check of the application to determine whether suspension remains appropriate, and the trademark examining attorney will issue as needed an inquiry letter to applicant regarding the status of the matter on which suspension is based. TMEP §§716.04, 716.05. Applicant will be notified when suspension is no longer appropriate. *See* TMEP §716.04.

No response to this notice is necessary; however, if applicant wants to respond, applicant should use the "Response to Suspension Inquiry or Letter of Suspension" form online at <http://teasroa.uspto.gov/rsi/rsi>.

/Seth Willig Chadab/  
Seth Willig Chadab  
Trademark Examining Attorney  
Law Office 104  
(571) 270-1875  
seth.chadab@uspto.gov

**PERIODICALLY CHECK THE STATUS OF THE APPLICATION:** To ensure that applicant does not miss crucial deadlines or official notices, check the status of the application every three to four months using the Trademark Status and Document Retrieval (TSDR) system at <http://tsdr.uspto.gov/>. Please keep a copy of the TSDR status screen. If the status shows no change for more than six months, contact the Trademark Assistance Center by e-mail at [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov) or call 1-800-786-9199. For more information on checking status, see <http://www.uspto.gov/trademarks/process/status/>.

**TO UPDATE CORRESPONDENCE/E-MAIL ADDRESS:** Use the Trademark Electronic Application System (TEAS) form at <http://www.uspto.gov/trademarks/teas/correspondence.jsp>.

**To:** Advaxis, Inc. ([trademarkadmin@lernerdavid.com](mailto:trademarkadmin@lernerdavid.com))  
**Subject:** U.S. TRADEMARK APPLICATION NO. 87123982 - MINE - ADVAX-10  
**Sent:** 6/1/2017 9:57:44 AM  
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**Attachments:**

**UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)**

**IMPORTANT NOTICE REGARDING YOUR  
U.S. TRADEMARK APPLICATION**

USPTO OFFICE ACTION (OFFICIAL LETTER) HAS ISSUED  
ON **6/1/2017** FOR U.S. APPLICATION SERIAL NO.87123982

Please follow the instructions below:

**(1) TO READ THE LETTER:** Click on this [link](#) or go to <http://tsdr.uspto.gov/>, enter the U.S. application serial number, and click on "Documents."

The Office action may not be immediately viewable, to allow for necessary system updates of the application, but will be available within 24 hours of this e-mail notification.

**(2) QUESTIONS:** For questions about the contents of the Office action itself, please contact the assigned trademark examining attorney. For *technical* assistance in accessing or viewing the Office action in the Trademark Status and Document Retrieval (TSDR) system, please e-mail [TSDR@uspto.gov](mailto:TSDR@uspto.gov).

**WARNING**

**PRIVATE COMPANY SOLICITATIONS REGARDING YOUR APPLICATION:** Private companies **not** associated with the USPTO are using information provided in trademark applications to mail or e-mail trademark-related solicitations. These companies often use names that closely resemble the USPTO and their solicitations may look like an official government document. Many solicitations require that you pay "fees."

Please carefully review all correspondence you receive regarding this application to make sure that you are responding to an official document from the USPTO rather than a private company solicitation. All official USPTO correspondence will be mailed only from the "United States Patent and Trademark Office" in Alexandria, VA; or sent by e-mail from the domain "@uspto.gov." For more information on how to handle private company solicitations, see [http://www.uspto.gov/trademarks/solicitation\\_warnings.jsp](http://www.uspto.gov/trademarks/solicitation_warnings.jsp).

**Trademark Snap Shot Amendment & Mail Processing Stylesheet**  
(Table presents the data on Amendment & Mail Processing Complete)

**OVERVIEW**

SERIAL NUMBER	87123982	FILING DATE	08/02/2016
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	TRADEMARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	CHADAB, SETH WILLIG	L.O. ASSIGNED	104

**PUB INFORMATION**

RUN DATE	05/15/2017		
PUB DATE	N/A		
STATUS	661-RESPONSE AFTER NON-FINAL-ACTION-ENTERED		
STATUS DATE	05/12/2017		
LITERAL MARK ELEMENT	MINE		
DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPUB 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

**FILING BASIS**

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	NO	1 (a)	NO	1 (a)	NO
1 (b)	YES	1 (b)	YES	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

**MARK DATA**

STANDARD CHARACTER MARK	YES
LITERAL MARK ELEMENT	MINE
MARK DRAWING CODE	4-STANDARD CHARACTER MARK
COLOR DRAWING FLAG	NO

**CURRENT OWNER INFORMATION**

PARTY TYPE	10-ORIGINAL APPLICANT
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NAME	Advaxis, Inc.
ADDRESS	305 College Road East Princeton, NJ 08540
ENTITY	03-CORPORATION
CITIZENSHIP	Delaware

### GOODS AND SERVICES

INTERNATIONAL CLASS	005
DESCRIPTION TEXT	BIOPHARMACEUTICAL PREPARATIONS FOR USE IN THE TREATMENT OF IMMUNOLOGICAL CONDITIONS; BIOPHARMACEUTICAL PREPARATIONS FOR USE IN THE TREATMENT OF TUMORS; BIOPHARMACEUTICAL PREPARATIONS FOR USE IN THE TREATMENT OF IMMUNE SYSTEM CONDITIONS; MEDICINAL PREPARATIONS FOR THE TREATMENT OF INFECTIOUS DISEASES AND FOR USE IN ONCOLOGY; BIOPHARMACEUTICAL PREPARATIONS FOR PERSONALIZED CANCER IMMUNOTHERAPIES AND IMMUNO-ONCOLOGY THERAPIES

INTERNATIONAL CLASS	042
DESCRIPTION TEXT	PHARMACEUTICAL AND MEDICAL RESEARCH AND DEVELOPMENT IN THE FIELDS OF PHARMACEUTICAL AND BIOLOGICAL PREPARATIONS USED IN THE DIAGNOSIS AND TREATMENT OF CANCER AND PHARMACEUTICAL AND BIOLOGICAL PREPARATIONS USED IN ACTIVE SPECIFIC IMMUNOTHERAPY FOR THE TREATMENT OF CANCER; PROVIDING MEDICAL AND SCIENTIFIC RESEARCH INFORMATION IN THE FIELDS OF PHARMACEUTICALS, BIOLOGICALS, AND CLINICAL TRIALS; PROVIDING IMMUNOTHERAPY AND IMMUNO-ONCOLOGY PLATFORMS IN THE NATURE OF THE DEVELOPMENT OF BIOCHEMICAL ASSAYS FOR THE TREATMENT OF IMMUNE SYSTEM CONDITIONS AND CANCER

### GOODS AND SERVICES CLASSIFICATION

INTERNATIONAL CLASS	005	FIRST USE DATE	NONE	FIRST USE IN COMMERCE DATE	NONE	CLASS STATUS	6-ACTIVE
INTERNATIONAL CLASS	042	FIRST USE DATE	NONE	FIRST USE IN COMMERCE DATE	NONE	CLASS STATUS	6-ACTIVE

### MISCELLANEOUS INFORMATION/STATEMENTS

CHANGE IN REGISTRATION	NO
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### PROSECUTION HISTORY

DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
05/12/2017	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	009
05/12/2017	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	008
05/12/2017	TROA	I	TEAS RESPONSE TO OFFICE ACTION RECEIVED	007
11/14/2016	GNRN	O	NOTIFICATION OF NON-FINAL ACTION E-MAILED	006
11/14/2016	GNRT	F	NON-FINAL ACTION E-MAILED	005
11/14/2016	CNRT	R	NON-FINAL ACTION WRITTEN	004
11/14/2016	DOCK	D	ASSIGNED TO EXAMINER	003
08/05/2016	NWOS	I	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	002
08/05/2016	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001

**CURRENT CORRESPONDENCE INFORMATION**

ATTORNEY	THOMAS M. PALISI
CORRESPONDENCE ADDRESS	THOMAS M. PALISI LERNER, DAVID, LITTENBERG, KRUMHOLZ & ME 600 SOUTH AVENUE WEST WESTFIELD, NJ 07090
DOMESTIC REPRESENTATIVE	NONE

**MINE**

## Response to Office Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	87123982
LAW OFFICE ASSIGNED	LAW OFFICE 104
<b>MARK SECTION</b>	
MARK	<a href="https://tmng-al.uspto.gov/resting2/api/img/87123982/large">https://tmng-al.uspto.gov/resting2/api/img/87123982/large</a>
LITERAL ELEMENT	MINE
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font style, size or color.

### ARGUMENT(S)

#### AMENDMENT

Please delete the identification of services in Class 042 and insert in its place a new description of services in Class 042 as follows:

--PHARMACEUTICAL AND MEDICAL RESEARCH AND DEVELOPMENT IN THE FIELDS OF PHARMACEUTICAL AND BIOLOGICAL PREPARATIONS USED IN THE DIAGNOSIS AND TREATMENT OF CANCER AND PHARMACEUTICAL AND BIOLOGICAL PREPARATIONS USED IN ACTIVE SPECIFIC IMMUNOTHERAPY FOR THE TREATMENT OF CANCER; PROVIDING MEDICAL AND SCIENTIFIC RESEARCH INFORMATION IN THE FIELDS OF PHARMACEUTICALS, BIOLOGICALS, AND CLINICAL TRIALS; PROVIDING IMMUNOTHERAPY AND IMMUNO-ONCOLOGY PLATFORMS IN THE NATURE OF THE DEVELOPMENT OF BIOCHEMICAL ASSAYS FOR THE TREATMENT OF IMMUNE SYSTEM CONDITIONS AND CANCER, in Class 042.--

#### REMARKS

This Amendment is being filed in response to the Official Action issued November 14, 2016. As May 14, 2017 is a Sunday, the Response is timely if filed on or before May 15, 2017. Reconsideration and allowance of the present application is respectfully requested.

#### **Identification of Goods and Services**

Although the Examining Attorney indicates that the goods identified in Class 005 are definite as filed, the Examining Attorney objects to the identification of services in Class 042 as requiring clarification, contending that the wording "providing immunotherapy and immunoncology platforms" must be amended to specify the common commercial or generic name for the services. If there is no commercial or generic name for the services, the Examining Attorney requests that Applicant describe, *inter alia*, the nature of the services. Applicant has therefore amended the identification of services in Class 042 as proposed by the Examining Attorney. Applicant wishes to thank the Examining Attorney in this regard. In light of the amendment to the services, Applicant respectfully requests that the Examining Attorney withdraw his objection to the identification of services as a basis for refusing registration of the mark herein.

#### **Prior-Filed Applications**

In the Official Action, the Examining Attorney indicated that a search of the Office's database of registered and pending marks has found no similar *registered* mark that would bar registration under Trademark Act § 2(d), 15 U.S.C. § 1052(d); however, the Examining



Attorney noted two prior-filed pending applications for the marks MINE (Serial No. 85956809 – now Reg. No. 5119703) (“the ‘703 Registration”) and CELLMINE (Serial No. 86800767) (“the ‘767 Application”), which may present a bar to registration of Applicant's MINE mark (“Applicant's Mark”). As will be discussed briefly below, Applicant submits that no likelihood of confusion exists.

No indication is given in the Official Action as to how or why the Examining Attorney believes that a likelihood of confusion may exist in the event the pending applications become registered. Although the marks of Applicant's pending application and the ‘703 Registration are identical, the goods and services identified in Applicant's application are in no way related to the services covered by the ‘703 Registration. Applicant is a clinical-stage biotechnology company developing cancer immunotherapies that enlist the body's own immune system to fight cancer. Its investigational immunotherapies are designed to capitalize on the body's ability to recognize and attack bacterial infections. Plainly, the goods and services provided by Applicant and identified in its application are different from the services provided by the registrant's services, which include, *inter alia*, business consultation and computer software consulting services identified in the ‘703 Registration. As such, this factor alone clearly establishes the absence of any potential for likelihood of confusion.

With respect to the ‘767 Application, Applicant is again surprised that the Examining Attorney cited this mark as a potential bar to registration, should its CELLMINE mark register. In addition to the obvious visual differences between the marks, the goods covered by the respective marks are plainly different as well. As noted above, Applicant's goods comprise *biopharmaceutical preparations* for use in the treatment of immunological conditions, infectious diseases, and oncology, including personalized cancer immunotherapies and immunoncology therapies. In contrast, the ‘767 Application's goods consist of *laboratory assays* for use in detecting circulating tumor cells for scientific and medical diagnostic purposes. Plainly, the CELLMINE mark is directed to goods that are utilized in laboratories, while Applicant's MINE mark is used in association with treatment regimens – two entirely different spaces. For at least the above reasons, Applicant submits that there would be no likelihood of confusion.

### C. Conclusion

For the reasons stated above, Applicant respectfully requests that the Examining Attorney permit the application to proceed to publication. If the Examining Attorney has any questions concerning this matter, he is encouraged to contact Applicant's counsel by telephone.

No fee is deemed due for this response. However, if the Examining Attorney believes a fee is appropriate, he is authorized to charge Deposit Account No. 12-1095.

#### GOODS AND/OR SERVICES SECTION (005)(no change)

#### GOODS AND/OR SERVICES SECTION (042)(current)

INTERNATIONAL CLASS	042
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#### DESCRIPTION

PHARMACEUTICAL AND MEDICAL RESEARCH AND DEVELOPMENT; IN THE FIELDS OF PHARMACEUTICAL AND BIOLOGICAL PREPARATIONS USED IN THE DIAGNOSIS AND TREATMENT OF CANCER AND PHARMACEUTICAL AND BIOLOGICAL PREPARATIONS USED IN ACTIVE SPECIFIC IMMUNOTHERAPY FOR THE TREATMENT OF CANCER; PROVIDING MEDICAL AND SCIENTIFIC RESEARCH INFORMATION IN THE FIELDS OF PHARMACEUTICALS, BIOLOGICALS, AND CLINICAL TRIALS; PROVIDING IMMUNOTHERAPY AND IMMUNO-ONCOLOGY PLATFORMS

FILING BASIS	Section 1(b)
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#### GOODS AND/OR SERVICES SECTION (042)(proposed)

INTERNATIONAL CLASS	042
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#### TRACKED TEXT DESCRIPTION

~~PHARMACEUTICAL AND MEDICAL RESEARCH AND DEVELOPMENT;~~ PHARMACEUTICAL AND MEDICAL RESEARCH AND DEVELOPMENT IN THE FIELDS OF PHARMACEUTICAL AND BIOLOGICAL PREPARATIONS USED IN THE DIAGNOSIS AND TREATMENT OF CANCER AND PHARMACEUTICAL AND BIOLOGICAL PREPARATIONS USED IN ACTIVE SPECIFIC IMMUNOTHERAPY FOR THE TREATMENT OF CANCER; ~~IN THE FIELDS OF PHARMACEUTICAL AND BIOLOGICAL PREPARATIONS USED IN THE DIAGNOSIS AND TREATMENT OF CANCER AND PHARMACEUTICAL AND BIOLOGICAL PREPARATIONS USED IN ACTIVE SPECIFIC IMMUNOTHERAPY FOR THE TREATMENT OF CANCER;~~ PROVIDING MEDICAL AND SCIENTIFIC RESEARCH INFORMATION IN THE FIELDS OF PHARMACEUTICALS, BIOLOGICALS, AND CLINICAL TRIALS; PROVIDING IMMUNOTHERAPY AND IMMUNO-ONCOLOGY PLATFORMS IN THE NATURE OF THE DEVELOPMENT

**OF BIOCHEMICAL ASSAYS FOR THE TREATMENT OF IMMUNE SYSTEM CONDITIONS AND CANCER; PROVIDING IMMUNOTHERAPY AND IMMUNO-ONCOLOGY PLATFORMS**

**FINAL DESCRIPTION**

PHARMACEUTICAL AND MEDICAL RESEARCH AND DEVELOPMENT IN THE FIELDS OF PHARMACEUTICAL AND BIOLOGICAL PREPARATIONS USED IN THE DIAGNOSIS AND TREATMENT OF CANCER AND PHARMACEUTICAL AND BIOLOGICAL PREPARATIONS USED IN ACTIVE SPECIFIC IMMUNOTHERAPY FOR THE TREATMENT OF CANCER; PROVIDING MEDICAL AND SCIENTIFIC RESEARCH INFORMATION IN THE FIELDS OF PHARMACEUTICALS, BIOLOGICALS, AND CLINICAL TRIALS; PROVIDING IMMUNOTHERAPY AND IMMUNO-ONCOLOGY PLATFORMS IN THE NATURE OF THE DEVELOPMENT OF BIOCHEMICAL ASSAYS FOR THE TREATMENT OF IMMUNE SYSTEM CONDITIONS AND CANCER

**FILING BASIS**

Section 1(b)

**SIGNATURE SECTION**

**RESPONSE SIGNATURE**

/Thomas M. Palisi/

**SIGNATORY'S NAME**

THOMAS M. PALISI

**SIGNATORY'S POSITION**

ATTORNEY OF RECORD, NJ BAR MEMBER

**SIGNATORY'S PHONE NUMBER**

908-654-5000

**DATE SIGNED**

05/12/2017

**AUTHORIZED SIGNATORY**

YES

**FILING INFORMATION SECTION**

**SUBMIT DATE**

Fri May 12 13:53:16 EDT 2017

**TEAS STAMP**

USPTO/ROA-XXX.XX.X.X-2017  
0512135316716867-87123982  
-590a6bd907013787b4b89be5  
e37cd5b8051af59e5656b4bd1  
b17beac4ec657df1a6-N/A-N/  
A-20170512124032974356

Under the Paperwork Reduction Act of 1995 no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PTO Form 1957 (Rev 10/2011)

OMB No. 0651-0050 (Exp 07/31/2017)

**Response to Office Action**

**To the Commissioner for Trademarks:**

Application serial no. **87123982** MINE(Standard Characters, see <https://tmng-al.uspto.gov/resting2/api/img/87123982/large>) has been amended as follows:

**ARGUMENT(S)**

**In response to the substantive refusal(s), please note the following:**

**AMENDMENT**

**Please delete the identification of services in Class 042 and insert in its place a new description of services in Class 042 as follows:**

--PHARMACEUTICAL AND MEDICAL RESEARCH AND DEVELOPMENT IN THE FIELDS OF PHARMACEUTICAL AND BIOLOGICAL PREPARATIONS USED IN THE DIAGNOSIS AND TREATMENT OF CANCER AND PHARMACEUTICAL AND BIOLOGICAL PREPARATIONS USED IN ACTIVE SPECIFIC IMMUNOTHERAPY FOR THE TREATMENT OF CANCER; PROVIDING MEDICAL AND SCIENTIFIC RESEARCH INFORMATION IN THE FIELDS OF PHARMACEUTICALS, BIOLOGICALS, AND CLINICAL TRIALS; PROVIDING IMMUNOTHERAPY AND IMMUNO-ONCOLOGY PLATFORMS IN THE NATURE OF THE DEVELOPMENT OF BIOCHEMICAL ASSAYS FOR THE TREATMENT OF IMMUNE SYSTEM CONDITIONS AND CANCER, in Class

### REMARKS

This Amendment is being filed in response to the Official Action issued November 14, 2016. As May 14, 2017 is a Sunday, the Response is timely if filed on or before May 15, 2017. Reconsideration and allowance of the present application is respectfully requested.

#### **Identification of Goods and Services**

Although the Examining Attorney indicates that the goods identified in Class 005 are definite as filed, the Examining Attorney objects to the identification of services in Class 042 as requiring clarification, contending that the wording “providing immunotherapy and immune-oncology platforms” must be amended to specify the common commercial or generic name for the services. If there is no commercial or generic name for the services, the Examining Attorney requests that Applicant describe, *inter alia*, the nature of the services. Applicant has therefore amended the identification of services in Class 042 as proposed by the Examining Attorney. Applicant wishes to thank the Examining Attorney in this regard. In light of the amendment to the services, Applicant respectfully requests that the Examining Attorney withdraw his objection to the identification of services as a basis for refusing registration of the mark herein.

#### **Prior-Filed Applications**

In the Official Action, the Examining Attorney indicated that a search of the Office's database of registered and pending marks has found no similar *registered* mark that would bar registration under Trademark Act § 2(d), 15 U.S.C. § 1052(d); however, the Examining Attorney noted two prior-filed pending applications for the marks MINE (Serial No. 85956809 – now Reg. No. 5119703) (“the ‘703 Registration”) and CELLMINE (Serial No. 86800767) (“the ‘767 Application”), which may present a bar to registration of Applicant's MINE mark (“Applicant's Mark”). As will be discussed briefly below, Applicant submits that no likelihood of confusion exists.

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#### **C. Conclusion**

For the reasons stated above, Applicant respectfully requests that the Examining Attorney permit the application to proceed to publication. If the Examining Attorney has any questions concerning this matter, he is encouraged to contact Applicant's counsel by telephone.

No fee is deemed due for this response. However, if the Examining Attorney believes a fee is appropriate, he is authorized to charge Deposit Account No. 12-1095.

#### **CLASSIFICATION AND LISTING OF GOODS/SERVICES**

##### **Applicant proposes to amend the following class of goods/services in the application:**

**Current:** Class 042 for PHARMACEUTICAL AND MEDICAL RESEARCH AND DEVELOPMENT; IN THE FIELDS OF PHARMACEUTICAL AND BIOLOGICAL PREPARATIONS USED IN THE DIAGNOSIS AND TREATMENT OF CANCER AND PHARMACEUTICAL AND BIOLOGICAL PREPARATIONS USED IN ACTIVE SPECIFIC IMMUNOTHERAPY FOR THE TREATMENT

OF CANCER; PROVIDING MEDICAL AND SCIENTIFIC RESEARCH INFORMATION IN THE FIELDS OF PHARMACEUTICALS, BIOLOGICALS, AND CLINICAL TRIALS; PROVIDING IMMUNOTHERAPY AND IMMUNO-ONCOLOGY PLATFORMS

Original Filing Basis:

**Filing Basis: Section 1(b), Intent to Use: For a trademark or service mark application:** As of the application filing date, the applicant had a bona fide intention, and was entitled, to use the mark in commerce on or in connection with the identified goods/services in the application. **For a collective trademark, collective service mark, or collective membership mark application:** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by members on or in connection with the identified goods/services/collective membership organization. **For a certification mark application:** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by authorized users in connection with the identified goods/services, and the applicant will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant.

**Proposed:**

**Tracked Text Description:** ~~PHARMACEUTICAL AND MEDICAL RESEARCH AND DEVELOPMENT; PHARMACEUTICAL AND MEDICAL RESEARCH AND DEVELOPMENT IN THE FIELDS OF PHARMACEUTICAL AND BIOLOGICAL PREPARATIONS USED IN THE DIAGNOSIS AND TREATMENT OF CANCER AND PHARMACEUTICAL AND BIOLOGICAL PREPARATIONS USED IN ACTIVE SPECIFIC IMMUNOTHERAPY FOR THE TREATMENT OF CANCER; IN THE FIELDS OF PHARMACEUTICAL AND BIOLOGICAL PREPARATIONS USED IN THE DIAGNOSIS AND TREATMENT OF CANCER AND PHARMACEUTICAL AND BIOLOGICAL PREPARATIONS USED IN ACTIVE SPECIFIC IMMUNOTHERAPY FOR THE TREATMENT OF CANCER; PROVIDING MEDICAL AND SCIENTIFIC RESEARCH INFORMATION IN THE FIELDS OF PHARMACEUTICALS, BIOLOGICALS, AND CLINICAL TRIALS; PROVIDING IMMUNOTHERAPY AND IMMUNO-ONCOLOGY PLATFORMS IN THE NATURE OF THE DEVELOPMENT OF BIOCHEMICAL ASSAYS FOR THE TREATMENT OF IMMUNE SYSTEM CONDITIONS AND CANCER; PROVIDING IMMUNOTHERAPY AND IMMUNO-ONCOLOGY PLATFORMS~~

Class 042 for PHARMACEUTICAL AND MEDICAL RESEARCH AND DEVELOPMENT IN THE FIELDS OF PHARMACEUTICAL AND BIOLOGICAL PREPARATIONS USED IN THE DIAGNOSIS AND TREATMENT OF CANCER AND PHARMACEUTICAL AND BIOLOGICAL PREPARATIONS USED IN ACTIVE SPECIFIC IMMUNOTHERAPY FOR THE TREATMENT OF CANCER; PROVIDING MEDICAL AND SCIENTIFIC RESEARCH INFORMATION IN THE FIELDS OF PHARMACEUTICALS, BIOLOGICALS, AND CLINICAL TRIALS; PROVIDING IMMUNOTHERAPY AND IMMUNO-ONCOLOGY PLATFORMS IN THE NATURE OF THE DEVELOPMENT OF BIOCHEMICAL ASSAYS FOR THE TREATMENT OF IMMUNE SYSTEM CONDITIONS AND CANCER

**Filing Basis: Section 1(b), Intent to Use: For a trademark or service mark application:** As of the application filing date, the applicant had a bona fide intention, and was entitled, to use the mark in commerce on or in connection with the identified goods/services in the application. **For a collective trademark, collective service mark, or collective membership mark application:** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by members on or in connection with the identified goods/services/collective membership organization. **For a certification mark application:** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by authorized users in connection with the identified goods/services, and the applicant will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant.

**SIGNATURE(S)**

**Response Signature**

Signature: /Thomas M. Palisi/ Date: 05/12/2017

Signatory's Name: THOMAS M. PALISI

Signatory's Position: ATTORNEY OF RECORD, NJ BAR MEMBER

Signatory's Phone Number: 908-654-5000

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the owner's/holder's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the owner/holder in this matter: (1) the owner/holder has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the owner/holder has filed a power of attorney appointing him/her in this matter; or (4) the owner's/holder's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

Serial Number: 87123982

Internet Transmission Date: Fri May 12 13:53:16 EDT 2017

TEAS Stamp: USPTO/ROA-XXX.XX.X.X-2017051213531671686

7-87123982-590a6bd907013787b4b89be5e37cd  
5b8051af59e5656b4bd1b17beac4ec657df1a6-N  
/A-N/A-20170512124032974356

**To:** Advaxis, Inc. ([trademarkadmin@lernerdavid.com](mailto:trademarkadmin@lernerdavid.com))  
**Subject:** U.S. TRADEMARK APPLICATION NO. 87123982 - MINE - ADVAX-10  
**Sent:** 11/14/2016 12:03:29 PM  
**Sent As:** ECOM104@USPTO.GOV  
**Attachments:** [Attachment - 1](#)  
[Attachment - 2](#)  
[Attachment - 3](#)  
[Attachment - 4](#)  
[Attachment - 5](#)

**UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)  
OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION**

U.S. APPLICATION SERIAL NO. 87123982

MARK: MINE

**\*87123982\***

**CORRESPONDENT ADDRESS:**

THOMAS M. PALISI  
LERNER, DAVID, LITTENBERG, KRUMHOLZ & ME  
600 SOUTH AVENUE WEST  
WESTFIELD, NJ 07090

**CLICK HERE TO RESPOND TO THIS LETTER:**

[http://www.uspto.gov/trademarks/teas/response\\_forms.jsp](http://www.uspto.gov/trademarks/teas/response_forms.jsp)

[VIEW YOUR APPLICATION FILE](#)

**APPLICANT:** Advaxis, Inc.

**CORRESPONDENT'S REFERENCE/DOCKET NO :**

ADVAX-10

**CORRESPONDENT E-MAIL ADDRESS:**

trademarkadmin@lernerdavid.com

**OFFICE ACTION**

**STRICT DEADLINE TO RESPOND TO THIS LETTER**

TO AVOID ABANDONMENT OF APPLICANT'S TRADEMARK APPLICATION, THE USPTO MUST RECEIVE APPLICANT'S COMPLETE RESPONSE TO THIS LETTER **WITHIN 6 MONTHS** OF THE ISSUE/MAILING DATE BELOW.

**ISSUE/MAILING DATE: 11/14/2016**

The referenced application has been reviewed by the assigned trademark examining attorney. Applicant must respond timely and completely to the issues below. 15 U.S.C. §1062(b); 37 C.F.R. §§2.62(a), 2.65(a); TMEP §§711, 718.03.

**SEARCH OF OFFICE'S DATABASE OF MARKS**

The trademark examining attorney has searched the USPTO's database of registered and pending marks and has found no similar registered marks that would bar registration under Trademark Act Section 2(d). TMEP §704.02; *see* 15 U.S.C. §1052(d). However, marks in prior-filed pending applications may present a bar to registration of applicant's mark.

**SUMMARY OF ISSUES:**

- Prior Filed Trademark Applications
- Identification of Goods and Services

**PRIOR-FILED APPLICATIONS**

The filing dates of pending U.S. Application Serial Nos. 85956809 and 86800767 precede applicant's filing date. See attached referenced applications. If one or more of the marks in the referenced applications register, applicant's mark may be refused registration under Trademark Act Section 2(d) because of a likelihood of confusion with the registered mark(s). See 15 U.S.C. §1052(d); 37 C.F.R. §2.83; TMEP §§1208 *et seq.* Therefore, upon receipt of applicant's response to this Office action, action on this application may be suspended pending final disposition of the earlier-filed referenced applications.

In response to this Office action, applicant may present arguments in support of registration by addressing the issue of the potential conflict between applicant's mark and the marks in the referenced applications. Applicant's election not to submit arguments at this time in no way limits applicant's right to address this issue later if a refusal under Section 2(d) issues.

#### IDENTIFICATION OF GOODS AND SERVICES

The wording "providing immunotherapy and immuno-oncology platforms" in the identification of services is indefinite and must be clarified because applicant must amend this wording to specify the common commercial or generic name for the services. If there is no common commercial or generic name for the services, then applicant must describe the nature of the services as well as their main purpose, channels of trade, and the intended consumer(s). See 37 C.F.R. §2.32(a)(6); TMEP §1402.01.

Applicant may substitute the following wording, if accurate:

Class 5 is definite as filed.

Class 42: Pharmaceutical and medical research and development; in the fields of pharmaceutical and biological preparations used in the diagnosis and treatment of cancer and pharmaceutical and biological preparations used in active specific immunotherapy for the treatment of cancer; providing medical and scientific research information in the fields of pharmaceuticals, biologicals, and clinical trials; providing immunotherapy and immuno-oncology platforms **in the nature of the development of biochemical assays for the treatment of immune system conditions and cancer**

See TMEP §1402.01.

An applicant may only amend an identification to clarify or limit the goods and services, but not to add to or broaden the scope of the goods and services. 37 C.F.R. §2.71(a); see TMEP §§1402.06 *et seq.*, 1402.07.

For assistance with identifying and classifying goods and services in trademark applications, please see the USPTO's online searchable *U.S. Acceptable Identification of Goods and Services Manual* at <http://tess2.uspto.gov/netathtml/tidm.html>. See TMEP §1402.04.

#### RESPONSE GUIDELINES

For this application to proceed toward registration, applicant must explicitly address each refusal and/or requirement raised in this Office action. If the action includes a refusal, applicant may provide arguments and/or evidence as to why the refusal should be withdrawn and the mark should register. Applicant may also have other options for responding to a refusal and should consider such options carefully. To respond to requirements and certain refusal response options, applicant should set forth in writing the required changes or statements.

If applicant does not respond to this Office action within six months of the issue/ mailing date, or responds by expressly abandoning the application, the application process will end, the trademark will fail to register, and the application fee will not be refunded. See 15 U.S.C. §1062(b); 37 C.F.R. §§2.65(a), 2.68(a), 2.209(a); TMEP §§405.04, 718.01, 718.02. Where the application has been abandoned for failure to respond to an Office action, applicant's only option would be to file a timely petition to revive the application, which, if granted, would allow the application to return to active status. See 37 C.F.R. §2.66; TMEP §1714. There is a \$100 fee for such petitions. See 37 C.F.R. §§2.6, 2.66(b)(1).

#### ASSISTANCE

If applicant has questions regarding this Office action, please telephone or e-mail the assigned trademark examining attorney. All relevant e-mail communications will be placed in the official application record; however, an e-mail communication will not be accepted as a response to this Office action and will not extend the deadline for filing a proper response. See 37 C.F.R. §§2.62(c), 2.191; TMEP §§304.01-.02, 709.04-.05. Further, although the trademark examining attorney may provide additional explanation pertaining to the refusal(s) and/or requirement(s) in this Office action, the trademark examining attorney may not provide legal advice or statements about applicant's rights. See TMEP §§705.02, 709.06.

**TEAS PLUS OR TEAS REDUCED FEE (TEAS RF) APPLICANTS – TO MAINTAIN LOWER FEE, ADDITIONAL REQUIREMENTS MUST BE MET, INCLUDING SUBMITTING DOCUMENTS ONLINE:** Applicants who filed their application online using the lower-fee TEAS Plus or TEAS RF application form must (1) file certain documents online using TEAS, including responses to Office actions (see TMEP §§819.02(b), 820.02(b) for a complete list of these documents); (2) maintain a valid e-mail correspondence address; and (3) agree to receive correspondence from the USPTO by e-mail throughout the prosecution of the application. *See* 37 C.F.R. §§2.22(b), 2.23(b); TMEP §§819, 820. TEAS Plus or TEAS RF applicants who do not meet these requirements must submit an additional processing fee of \$50 per international class of goods and/or services. 37 C.F.R. §§2.6(a)(1)(v), 2.22(c), 2.23(c); TMEP §§819.04, 820.04. However, in certain situations, TEAS Plus or TEAS RF applicants may respond to an Office action by authorizing an examiner’s amendment by telephone or e-mail without incurring this additional fee.

/Seth Willig Chadab/  
Seth Willig Chadab  
Trademark Examining Attorney  
Law Office 104  
(571) 270-1875  
seth.chadab@uspto.gov

**TO RESPOND TO THIS LETTER:** Go to [http://www.uspto.gov/trademarks/teas/response\\_forms.jsp](http://www.uspto.gov/trademarks/teas/response_forms.jsp). Please wait 48-72 hours from the issue/mailling date before using the Trademark Electronic Application System (TEAS), to allow for necessary system updates of the application. For *technical* assistance with online forms, e-mail [TEAS@uspto.gov](mailto:TEAS@uspto.gov). For questions about the Office action itself, please contact the assigned trademark examining attorney. **E-mail communications will not be accepted as responses to Office actions; therefore, do not respond to this Office action by e-mail.**

**All informal e-mail communications relevant to this application will be placed in the official application record.**

**WHO MUST SIGN THE RESPONSE:** It must be personally signed by an individual applicant or someone with legal authority to bind an applicant (i.e., a corporate officer, a general partner, all joint applicants). If an applicant is represented by an attorney, the attorney must sign the response.

**PERIODICALLY CHECK THE STATUS OF THE APPLICATION:** To ensure that applicant does not miss crucial deadlines or official notices, check the status of the application every three to four months using the Trademark Status and Document Retrieval (TSDR) system at <http://tsdr.uspto.gov/>. Please keep a copy of the TSDR status screen. If the status shows no change for more than six months, contact the Trademark Assistance Center by e-mail at [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov) or call 1-800-786-9199. For more information on checking status, see <http://www.uspto.gov/trademarks/process/status/>.

**TO UPDATE CORRESPONDENCE/E-MAIL ADDRESS:** Use the TEAS form at <http://www.uspto.gov/trademarks/teas/correspondence.jsp>.



**DESIGN MARK**

**Serial Number**

85956809

**Status**

FIFTH EXTENSION - GRANTED

**Word Mark**

MINE

**Standard Character Mark**

Yes

**Type of Mark**

SERVICE MARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Owner**

MINE, INC. CORPORATION MASSACHUSETTS c/o 1225 Silverado Street La Jolla CALIFORNIA 92037

**Goods/Services**

Class Status -- ACTIVE. IC 035. US 100 101 102. G & S: Business acquisition and merger consultation; business management; new business venture development and formation consulting services; outsourcing in the fields of engineering and the design and development of engineering processes; business consulting services in the development of business strategies and creative ideation; business accelerator development and business management services; business consulting services, namely, providing marketing and business strategy services in the field of new product launches.

**Goods/Services**

Class Status -- ACTIVE. IC 042. US 100 101. G & S: Innovation consulting services, namely, advising others in the areas of product development; consulting in the field of engineering; consulting services in the field of design and development of engineering processes; computer services, namely, computer programming services; computer software design, development, and implementation; computer software consulting; technological planning and consulting services in the field of computer software and information technology; consulting services in the field of computer software and information technology; providing planning and engineering services in the field of computer software, operating systems, and information technology; product research and development.

**Filing Date**

2013/06/11

**Examining Attorney**

HACK, ANDREA

**Attorney of Record**

Susan M. Mulholland

**MINE**

**DESIGN MARK**

**Serial Number**

86800767

**Status**

NOTICE OF ALLOWANCE - ISSUED

**Word Mark**

CELLMINE

**Standard Character Mark**

Yes

**Type of Mark**

TRADEMARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Owner**

Johnson & Johnson CORPORATION NEW JERSEY One Johnson & Johnson Plaza  
New Brunswick NEW JERSEY 08933

**Goods/Services**

Class Status -- ACTIVE. IC 005. US 006 018 044 046 051 052. G & S:  
laboratory assays for use in detecting circulating tumor cells for  
medical diagnostic purposes.

**Goods/Services**

Class Status -- ACTIVE. IC 001. US 001 005 006 010 026 046. G & S:  
Laboratory assays for use in detecting circulating tumor cells for  
scientific research purposes.

**Filing Date**

2015/10/27

**Examining Attorney**

FELDMAN, DAWN

**Attorney of Record**

Matthew A. Pater

CELLMINE

**To:** Advaxis, Inc. ([trademarkadmin@lernerdavid.com](mailto:trademarkadmin@lernerdavid.com))  
**Subject:** U.S. TRADEMARK APPLICATION NO. 87123982 - MINE - ADVAX-10  
**Sent:** 11/14/2016 12:03:31 PM  
**Sent As:** ECOM104@USPTO.GOV  
**Attachments:**

**UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)**

**IMPORTANT NOTICE REGARDING YOUR  
U.S. TRADEMARK APPLICATION**

USPTO OFFICE ACTION (OFFICIAL LETTER) HAS ISSUED  
ON **11/14/2016** FOR U.S. APPLICATION SERIAL NO. 87123982

Please follow the instructions below:

**(1) TO READ THE LETTER:** Click on this [link](#) or go to <http://tsdr.uspto.gov>, enter the U.S. application serial number, and click on "Documents."

The Office action may not be immediately viewable, to allow for necessary system updates of the application, but will be available within 24 hours of this e-mail notification.

**(2) TIMELY RESPONSE IS REQUIRED:** Please carefully review the Office action to determine (1) how to respond, and (2) the applicable response time period. Your response deadline will be calculated from **11/14/2016** (or sooner if specified in the Office action). For information regarding response time periods, see <http://www.uspto.gov/trademarks/process/status/responsetime.jsp>.

**Do NOT hit "Reply" to this e-mail notification, or otherwise e-mail your response** because the USPTO does NOT accept e-mails as responses to Office actions. Instead, the USPTO recommends that you respond online using the Trademark Electronic Application System (TEAS) response form located at [http://www.uspto.gov/trademarks/teas/response\\_forms.jsp](http://www.uspto.gov/trademarks/teas/response_forms.jsp).

**(3) QUESTIONS:** For questions about the contents of the Office action itself, please contact the assigned trademark examining attorney. For technical assistance in accessing or viewing the Office action in the Trademark Status and Document Retrieval (TSDR) system, please e-mail [TSDR@uspto.gov](mailto:TSDR@uspto.gov).

**WARNING**

**Failure to file the required response by the applicable response deadline will result in the ABANDONMENT of your application.** For more information regarding abandonment, see <http://www.uspto.gov/trademarks/basics/abandon.jsp>.

**PRIVATE COMPANY SOLICITATIONS REGARDING YOUR APPLICATION:** Private companies **not** associated with the USPTO are using information provided in trademark applications to mail or e-mail trademark-related solicitations. These companies often use names that closely resemble the USPTO and their solicitations may look like an official government document. Many solicitations require that you pay "fees."

Please carefully review all correspondence you receive regarding this application to make sure that you are responding to an official document from the USPTO rather than a private company solicitation. All official USPTO correspondence will be mailed only from the "United States Patent and Trademark Office" in Alexandria, VA; or sent by e-mail from the domain "@uspto.gov." For more information on how to handle private company solicitations, see [http://www.uspto.gov/trademarks/solicitation\\_warnings.jsp](http://www.uspto.gov/trademarks/solicitation_warnings.jsp).

\*\*\* User:schadab \*\*\*

#	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/ Search Duration	Search
01	1	0	1	1	0:01	87123982[SN]
02	7	4	3	3	0:01	"Advaxis"[on]
03	74059	N/A	0	0	0:01	*m{"iye"}n*[bi,ti] not dead[ld]
04	51437	N/A	0	0	0:02	3 and ("005" "042")[cc]
05	11480	N/A	0	0	0:02	3 and ("005" "042" a b "200")[ic]
06	2727	N/A	0	0	0:02	*mine*[bi,ti] not dead[ld]
07	1678	N/A	0	0	0:01	6 and ("005" "042")[cc]
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09	363	0	363	313	0:01	6 and ("005" a b "200")[ic]
10	0	0	0	0	0:01	"m{"iy"}ne"[fm] not dead[ld]
11	14	0	14	14	0:02	m{"iy"}ne[fm] not dead[ld]
12	238	0	238	227	0:01	6 and ("042" a b "200")[ic]

Session started 11/14/2016 11:23:02 AM

Session finished 11/14/2016 11:36:01 AM

Total search duration 0 minutes 16 seconds

Session duration 12 minutes 59 seconds

Default NEAR limit=1ADJ limit=1

Sent to TICRS as Serial Number: 87123982

**MINE**



## Trademark/Service Mark Application, Principal Register

**Serial Number: 87123982**

**Filing Date: 08/02/2016**

**The table below presents the data as entered.**

Input Field	Entered
<b>SERIAL NUMBER</b>	87123982
<b>MARK INFORMATION</b>	
<b>*MARK</b>	<a href="#">MINE</a>
<b>STANDARD CHARACTERS</b>	YES
<b>USPTO-GENERATED IMAGE</b>	YES
<b>LITERAL ELEMENT</b>	MINE
<b>MARK STATEMENT</b>	The mark consists of standard characters, without claim to any particular font, style, size, or color.
<b>REGISTER</b>	Principal
<b>APPLICANT INFORMATION</b>	
<b>*OWNER OF MARK</b>	Advaxis, Inc.
<b>*STREET</b>	305 College Road East
<b>*CITY</b>	Princeton
<b>*STATE</b> (Required for U.S. applicants)	New Jersey
<b>*COUNTRY</b>	United States
<b>*ZIP/POSTAL CODE</b> (Required for U.S. applicants)	08540
<b>PHONE</b>	609-452-9813
<b>LEGAL ENTITY INFORMATION</b>	
<b>TYPE</b>	corporation
<b>STATE/COUNTRY OF INCORPORATION</b>	Delaware
<b>GOODS AND/OR SERVICES AND BASIS INFORMATION</b>	
<b>INTERNATIONAL CLASS</b>	005
<b>*IDENTIFICATION</b>	BIOPHARMACEUTICAL PREPARATIONS FOR USE IN THE TREATMENT OF IMMUNOLOGICAL CONDITIONS; BIOPHARMACEUTICAL PREPARATIONS FOR USE IN THE TREATMENT OF TUMORS; BIOPHARMACEUTICAL PREPARATIONS FOR USE IN THE TREATMENT OF IMMUNE SYSTEM CONDITIONS; MEDICINAL PREPARATIONS FOR THE TREATMENT OF INFECTIOUS DISEASES AND FOR USE IN ONCOLOGY; BIOPHARMACEUTICAL PREPARATIONS FOR PERSONALIZED CANCER IMMUNOTHERAPIES AND IMMUNO-ONCOLOGY THERAPIES

<b>FILING BASIS</b>	SECTION 1(b)
<b>INTERNATIONAL CLASS</b>	042
<b>*IDENTIFICATION</b>	PHARMACEUTICAL AND MEDICAL RESEARCH AND DEVELOPMENT; IN THE FIELDS OF PHARMACEUTICAL AND BIOLOGICAL PREPARATIONS USED IN THE DIAGNOSIS AND TREATMENT OF CANCER AND PHARMACEUTICAL AND BIOLOGICAL PREPARATIONS USED IN ACTIVE SPECIFIC IMMUNOTHERAPY FOR THE TREATMENT OF CANCER; PROVIDING MEDICAL AND SCIENTIFIC RESEARCH INFORMATION IN THE FIELDS OF PHARMACEUTICALS, BIOLOGICALS, AND CLINICAL TRIALS; PROVIDING IMMUNOTHERAPY AND IMMUNO-ONCOLOGY PLATFORMS
<b>FILING BASIS</b>	SECTION 1(b)
<b>ATTORNEY INFORMATION</b>	
<b>NAME</b>	THOMAS M. PALISI
<b>ATTORNEY DOCKET NUMBER</b>	ADVAX-10
<b>FIRM NAME</b>	Lerner, David, Littenberg, Krumholz & Mentlik, LLP
<b>STREET</b>	600 South Avenue West
<b>CITY</b>	Westfield
<b>STATE</b>	New Jersey
<b>COUNTRY</b>	United States
<b>ZIP/POSTAL CODE</b>	07090
<b>PHONE</b>	(908) 654-5000
<b>FAX</b>	(908) 654-7866
<b>EMAIL ADDRESS</b>	trademarkadmin@lernerdavid.com
<b>AUTHORIZED TO COMMUNICATE VIA EMAIL</b>	Yes
<b>OTHER APPOINTED ATTORNEY</b>	Lawrence I. Lerner, Sidney David, Joseph S. Littenberg, Arnold H. Krumholz, William L. Mentlik, John R. Nelson, Roy H. Wepner, Stephen B. Goldman, Charles P. Kennedy, Paul H. Kochanski, Marcus J. Millet, Bruce H. Sales, Keith E. Gilman, Robert B. Cohen, Michael H. Teschner, Gregory S. Gewirtz, Jonathan A. David, Thomas M. Palisi, Stephen F. Roth, Raymond W. Augustin, Harvey L. Cohen, Jeffrey S. Dickey, April M. Capati, Orville R. Cockings, Russell W. Faegenburg, Daryl K. Neff, Kelly Y. Hwang, Andrew T. Zidel, Raymond B. Churchill, Jr., Richard J. Botos, Bruno Polito, Dennis M. Smid, Gregg A. Paradise, Kevin M. Kocun, Andrew T. Lane, Natalie S. Richer, Brian R. Tomkins, Aaron S. Eckenthal, William A. Di Bianca, Davy E. Zoneraich, Gregory M. Reilly, Charles H. Humkey, Arnold I. Rady, Noelle L. Cacciabeve, Robert B. Hander, Joseph H. Karlin, Fahd K. Majiduddin, Ryan L. Bergeron, Brent L. Farese, Peter D. Sleman, Mitesh Mehta, Stephen M. Lund, Alexander Solo, David G. Leach, David J. Kohn, Nahoko Ono, James A. Vezeris, Keith J. McWha, Lingyan Wang, Maegan A. Fuller, Jennifer L. Yu, Daniel P. Laine, Nichole Martiak Valeyko, Joseph P. Farrar, Rinat Shangeeta, William G. Raska, Tedd W. Van Buskirk, Palash Basu and Wilfred V. Patrick

<b>CORRESPONDENCE INFORMATION</b>	
<b>NAME</b>	THOMAS M. PALISI
<b>FIRM NAME</b>	Lerner, David, Littenberg, Krumholz & Mentlik, LLP
<b>STREET</b>	600 South Avenue West
<b>CITY</b>	Westfield
<b>STATE</b>	New Jersey
<b>COUNTRY</b>	United States
<b>ZIP/POSTAL CODE</b>	07090
<b>PHONE</b>	(908) 654-5000
<b>FAX</b>	(908) 654-7866
<b>*EMAIL ADDRESS</b>	trademarkadmin@lernerdavid.com
<b>*AUTHORIZED TO COMMUNICATE VIA EMAIL</b>	Yes
<b>FEE INFORMATION</b>	
<b>APPLICATION FILING OPTION</b>	TEAS RF
<b>NUMBER OF CLASSES</b>	2
<b>FEE PER CLASS</b>	275
<b>*TOTAL FEE DUE</b>	550
<b>*TOTAL FEE PAID</b>	550
<b>SIGNATURE INFORMATION</b>	
<b>SIGNATURE</b>	/Thomas M. Palisi/
<b>SIGNATORY'S NAME</b>	THOMAS M. PALISI
<b>SIGNATORY'S POSITION</b>	ATTORNEY OF RECORD, NJ BAR MEMBER
<b>SIGNATORY'S PHONE NUMBER</b>	(908) 654-5000
<b>DATE SIGNED</b>	08/02/2016

---

## Trademark/Service Mark Application, Principal Register

**Serial Number: 87123982**

**Filing Date: 08/02/2016**

### To the Commissioner for Trademarks:

**MARK:** MINE (Standard Characters, see [mark](#))

The literal element of the mark consists of MINE.

The mark consists of standard characters, without claim to any particular font, style, size, or color.

The applicant, Advaxis, Inc., a corporation of Delaware, having an address of  
305 College Road East  
Princeton, New Jersey 08540  
United States  
609-452-9813(phone)

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

International Class 005: BIOPHARMACEUTICAL PREPARATIONS FOR USE IN THE TREATMENT OF IMMUNOLOGICAL CONDITIONS; BIOPHARMACEUTICAL PREPARATIONS FOR USE IN THE TREATMENT OF TUMORS; BIOPHARMACEUTICAL PREPARATIONS FOR USE IN THE TREATMENT OF IMMUNE SYSTEM CONDITIONS; MEDICINAL PREPARATIONS FOR THE TREATMENT OF INFECTIOUS DISEASES AND FOR USE IN ONCOLOGY; BIOPHARMACEUTICAL PREPARATIONS FOR PERSONALIZED CANCER IMMUNOTHERAPIES AND IMMUNO-ONCOLOGY THERAPIES

Intent to Use: The applicant has a bona fide intention, and is entitled, to use the mark in commerce on or in connection with the identified goods/services.

International Class 042: PHARMACEUTICAL AND MEDICAL RESEARCH AND DEVELOPMENT; IN THE FIELDS OF PHARMACEUTICAL AND BIOLOGICAL PREPARATIONS USED IN THE DIAGNOSIS AND TREATMENT OF CANCER AND PHARMACEUTICAL AND BIOLOGICAL PREPARATIONS USED IN ACTIVE SPECIFIC IMMUNOTHERAPY FOR THE TREATMENT OF CANCER; PROVIDING MEDICAL AND SCIENTIFIC RESEARCH INFORMATION IN THE FIELDS OF PHARMACEUTICALS, BIOLOGICALS, AND CLINICAL TRIALS; PROVIDING IMMUNOTHERAPY AND IMMUNO-ONCOLOGY PLATFORMS

Intent to Use: The applicant has a bona fide intention, and is entitled, to use the mark in commerce on or in connection with the identified goods/services.

### The applicant's current Attorney Information:

THOMAS M. PALISI and Lawrence I. Lerner, Sidney David, Joseph S. Littenberg, Arnold H. Krumholz, William L. Mentlik, John R. Nelson, Roy H. Wepner, Stephen B. Goldman, Charles P. Kennedy, Paul H. Kochanski, Marcus J. Millet, Bruce H. Sales, Keith E. Gilman, Robert B. Cohen, Michael H. Teschner, Gregory S. Gewirtz, Jonathan A. David, Thomas M. Palisi, Stephen F. Roth, Raymond W. Augustin, Harvey L. Cohen, Jeffrey S. Dickey, April M. Capati, Orville R. Cockings, Russell W. Faegenburg, Daryl K. Neff, Kelly Y. Hwang, Andrew T. Zidel, Raymond B. Churchill, Jr., Richard J. Botos, Bruno Polito, Dennis M. Smid, Gregg A. Paradise, Kevin M. Kocun, Andrew T. Lane, Natalie S. Richer, Brian R. Tomkins, Aaron S. Eckenthal, William A. Di Bianca, Davy E. Zoneraich, Gregory M. Reilly, Charles H. Humkey, Arnold I. Rady, Noelle L. Cacciabeve, Robert B. Hander, Joseph H. Karlin, Fahd K. Majiduddin, Ryan L. Bergeron, Brent L. Farese, Peter D. Sleman, Mitesh Mehta, Stephen M. Lund, Alexander Solo, David G. Leach, David J. Kohn, Nahoko Ono, James A. Vezeris, Keith J. McWha, Lingyan Wang, Maegan A. Fuller, Jennifer L. Yu, Daniel P. Laine, Nichole Martiak Valeyko, Joseph P. Farrar, Rinat Shangeeta, William G. Raska, Tedd W. Van Buskirk, Palash Basu and Wilfred V. Patrick of Lerner, David, Littenberg, Krumholz & Mentlik, LLP 600 South Avenue West

Westfield, New Jersey 07090

United States

(908) 654-5000(phone)

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The attorney docket/reference number is ADVAX-10.

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**E-mail Authorization:** I authorize the USPTO to send e-mail correspondence concerning the application to the applicant or applicant's attorney at the e-mail address provided above. I understand that a valid e-mail address must be maintained and that the applicant or the applicant's attorney must file the relevant subsequent application-related submissions via the Trademark Electronic Application System (TEAS). Failure to do so will result in an additional processing fee of \$50 per international class of goods/services.

A fee payment in the amount of \$550 has been submitted with the application, representing payment for 2 class(es).

### Declaration

The signatory believes that: if the applicant is filing the application under 15 U.S.C. § 1051(a), the applicant is the owner of the trademark/service mark sought to be registered; the applicant is using the mark in commerce on or in connection with the goods/services in the application; the specimen(s) shows the mark as used on or in connection with the goods/services in the application; and/or if the applicant filed an application under 15 U.S.C. § 1051(b), § 1126(d), and/or § 1126(e), the applicant is entitled to use the mark in commerce; the applicant has a bona fide intention, and is entitled, to use the mark in commerce on or in connection with the goods/services in the application. The signatory believes that to the best of the signatory's knowledge and belief, no other persons, except, if applicable, concurrent users, have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services of such other persons, to cause confusion or mistake, or to deceive. The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements and the like may jeopardize the validity of the application or any registration resulting therefrom, declares that all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

### Declaration Signature

Signature: /Thomas M. Palisi/ Date: 08/02/2016

Signatory's Name: THOMAS M. PALISI

Signatory's Position: ATTORNEY OF RECORD, NJ BAR MEMBER

RAM Sale Number: 87123982

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