

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the matter of:

SYNGENE INTERNATIONAL LIMITED

U.S. Serial No.: 88/081490

Filed: August 16, 2018

Mark: SYNGENE (Stylized)

CONSENT TO USE AND REGISTER

Synoptics Limited (hereafter referred to as “Synoptics”) has registered its SYNGENE trademark in the United States for “Laboratory equipment, namely, microscopes and spectrometers comprised of optical components, namely, cameras and lighting, and computer hardware and computer software for the acquisition, viewing, archiving and analysis of DNA, RNA protein and chemiluminescent gel and blots in the field of biotechnology, namely, charged coupled device video cameras, cooled and non-cooled cameras, ultra-violet and white light transillumination lights, broad band filters for fluorescent applications, electrophoresis apparatus and instruments consisting of gel tanks and power supplies; and parts and fittings for all the aforesaid goods” in class 9 under U.S. Registration No. 2868233, and

Synoptics has also registered its SYNGENE trademark in the United States for “laboratory equipment, namely, electrophoresis gel documentation and analysis apparatus comprising optical components, namely, cameras and lighting, and computer hardware and computer software for the acquisition, viewing, archiving and analysis of DNA, RNA, protein and chemiluminescent gel and blots in the field of biotechnology, namely, charged coupled device cameras, cooled and noncooled cameras, ultra-violet and white light transillumination lights, broad band filters for fluorescent applications, electrophoresis apparatus and instruments



consisting of gel tanks and power supplies; and parts and fittings for all the aforesaid goods” in class 9 under U.S. Reg. No. 3751573, and

Syngene International Limited (hereafter referred to as “Syngene”) has applied to register its own SYNGENE mark in stylized form in the United States under Serial No. 88/081490 and is amending its identification of goods and services to:

Class 1: Biotechnological products and preparations for laboratory use, namely, enzymes, protein carbohydrates, lipids, and nucleic acids, DNA products, immunological re-agents, and fine chemicals including organic intermediates; active chemical ingredients for use in the manufacture of pharmaceuticals for treating diseases and conditions, involving areas namely, oncology, endocrinology and metabolic diseases, cardio vascular, neuro muscular, dental, dermatological, urological, nephrological, immunological, genetics, ophthalmology, diabetes, multiple sclerosis, acne; chemicals for use in the agrochemical industry; assays for research purposes; biomedical compounds, namely, peptide substrates used in analyzing and detecting certain toxins for laboratory, research, clinical or medical laboratory use; unprocessed chemical polymers; chemicals for use in biotechnological product development; chemicals, namely, chitosan; chitosan for industrial purposes; aldehydes; chromatography chemicals; cells for scientific, laboratory or medical research; reagents for use in the development of hybridoma antibodies for other than for medical or veterinary purposes; nucleic acid sequences and chemical reagents for other than medical and veterinary purposes; nucleotides for scientific and research use; protein arrays and nucleotide arrays for scientific and medical research; peptides for industrial purposes; proteins for use in recombinant DNA technology; specialty chemicals, namely, chemical additives for industrial use in the manufacture of a wide variety of goods; chemical reference standards for use in science and industry; isotopes for industrial purposes; biochemicals for in vitro and in vivo scientific use; biochemicals, namely, monoclonal antibodies for use in vitro scientific or research; assays for research purposes; diagnostic reagents for in vitro use in biochemistry, clinical chemistry and microbiology; none of the aforesaid goods relating to gel imaging and gel analysis applications

Class 5: Biological and biotechnological chemicals and chemical preparations and formulations thereof for pharmaceutical and medical use; drug testing kits comprised of medical diagnostic reagents and assays for testing body fluids; antibodies for use in disease testing; synthetic peptides for pharmaceutical purposes; imaging agents for magnetic resonance imaging ; nucleic acid sequences and chemical reagents for medical and veterinary purposes; pharmaceutical preparations and substances for use in oncology; biological tissue grafts; vascular grafts comprised of living tissue; biopharmaceuticals for the treatment of cancer; yeast and yeast extracts for medical, veterinary or pharmaceutical purposes; proteins and protein arrays for use in recombinant DNA technology for medical and diagnostic purposes; regulatory proteins for medical and diagnostic use; medicines for veterinary purposes; isotopes for medical purposes; biological preparations for medical purposes for treating disease and conditions involving areas namely oncology, endocrinology and metabolic diseases, cardio vascular, neuro muscular, dental, dermatological, urological, nephrological, immunological, genetics, ophthalmology,



meningitis, asthma; chemical preparations for use in medical DNA analysis for diagnostic and treatment purposes; diagnostic kits consisting primarily of monoclonal antibodies, buffers, and reagents for use in disease testing; none of the aforesaid goods relating to gel imaging and gel analysis applications

Class 9: [Deleted]

Class 10: Surgical, medical, dental and veterinary instruments and apparatus, namely, artificial limbs eyes and teeth; none of the aforesaid goods relating to gel imaging and gel analysis applications

Class 16: Paper and paper articles, namely, writing paper, notebooks, sketch pads, letterhead paper, envelopes, file folders, printed brochures, leaflet, informational flyers and pamphlets in the field of science, biology, genetics, chemistry, formulations, antibodies, antibody technology, chemistry, agrochemical pharmaceuticals, bioinformatics, biomedical devices, biologics, biotechnology, biotherapeutics, biology, biochemical preparations, cell lines, cheminformatics, genetics and genetic engineering, gene expression systems, in vitro research, inhalation pharmaceuticals, molecular sciences, micro-organisms, nutrition, ophthalmic preparations, pharmacogenetics, pharmacokinetics, pharmacology, pharmaceuticals, polymers, peptide synthesis, protein, and solid state characterization; printers type and printing clichés, namely, stereotypes; directories in the field of science, biology, genetics, chemistry, formulations, antibodies, antibody technology, chemistry, agrochemical pharmaceuticals, bioinformatics, biomedical devices, biologics, biotechnology, biotherapeutics, biology, biochemical preparations, cell lines, cheminformatics, genetics and genetic engineering, gene expression systems, in vitro research, inhalation pharmaceuticals, molecular sciences, micro-organisms, nutrition, ophthalmic preparations, pharmacogenetics, pharmacokinetics, pharmacology, pharmaceuticals, polymers, peptide synthesis, protein, and solid state characterization], printed sign boards, banners, table calendars, and printed certificates; pens and pencils; cardboard and cardboard articles, namely, boxes, packing material, containers, and paper bags; printed matter in the nature of newspapers for general circulation; periodicals in the nature of general features magazines; books in the field of science; bookbinding materials; printed photographs; stationery; adhesive materials for stationery and office use; artists materials, namely, paint, drawing paper, canvas, pens; paint brushes; typewriters and office requisites other than furniture, namely, rubber bands, staplers, paper hole-punches, pen stands, adhesive note paper; printed instructional and teaching materials other than apparatus in the field of science, biology, genetics, chemistry, formulations, antibodies, antibody technology, chemistry, agrochemical pharmaceuticals, bioinformatics, biomedical devices, biologics, biotechnology, biotherapeutics, biology, biochemical preparations, cell lines, cheminformatics, genetics and genetic engineering, gene expression systems, in vitro research, inhalation pharmaceuticals, molecular sciences, micro-organisms, nutrition, ophthalmic preparations, pharmacogenetics, pharmacokinetics, pharmacology, pharmaceuticals, polymers, peptide synthesis, protein, and solid state characterization; printers type and printing clichés, namely, stereotypes; directories in the field of science, biology, genetics, chemistry, formulations, antibodies, antibody technology, chemistry, agrochemical pharmaceuticals, bioinformatics, biomedical devices, biologics, biotechnology, biotherapeutics, biology, biochemical preparations, cell lines, cheminformatics, genetics and genetic engineering, gene expression systems, in vitro research, inhalation pharmaceuticals,

molecular sciences, micro-organisms, nutrition, ophthalmic preparations, pharmacogenetics, pharmacokinetics, pharmacology, pharmaceuticals, polymers, peptide synthesis, protein, and solid state characterization; blank journals; printed training materials in the field of clinical study, medical writing and pharmacovigilance services; none of the aforesaid goods relating to gel imaging and gel analysis applications

Class 35: Business services, namely, formulation of best practices for drug discovery, formulation development, clinical supplies, large molecule development, antibody drug conjugates and clinical development services; consulting services in the field of medical practice management for others; business consulting and management in the field of clinical trials, namely, providing information management services; business consulting and management in the field of clinical trials, namely, clinical data and regulatory submission management on behalf of medical, biopharmaceutical and biotechnology companies to assist them with clinical research, clinical trials and applications for drug approval; regulatory submission management, namely, assisting others in preparing and filing applications for new drugs with governmental regulatory bodies; business management consulting services in the field of pharmaceuticals drug development; none of the aforesaid services relating to gel imaging and gel analysis applications

Class 39: Storage of human cells

Class 40: Treatment of materials by polymerization; custom manufacture of pharmaceuticals, chemotherapy drugs, antibiotic medicines, medicines, drugs by pharmaceutical compounders; contract manufacturing in the field of pharmaceuticals and drug development

Class 42: Scientific research and custom synthesis; scientific and clinical research in the field of medicine, pharmaceutical, agrochemicals, nutraceuticals,; scientific research and development; custom design and development of chemical reagents and biochemical assays; laboratory testing; laboratory testing services for research and development purposes; testing of pharmaceuticals; chemical engineering; drug discovery services; pharmaceutical drug development services; pharmaceutical products development; development of pharmaceutical preparations and medicines; scientific study and research in the field of reproduction, husbandry, and general health of animal; biotechnology research for determining the neuronal survival of molecules in animal models; research and development services in the field of antibodies, antibody technology; custom design and development of chemical reagents and biochemical assays; design, engineering, research, development and testing services in the field of polymeric materials, polymer synthesis, and materials customization for medical, scientific, and technological applications; toxicology services; toxicity analysis; toxicity testing for research purposes; conducting clinical trials; conducting clinical trials for scientific research for others; conducting clinical trials for pharmaceutical products; providing medical and scientific research information in the field of clinical trials; conducting early evaluations in the field of new pharmaceuticals; DNA analysis services for scientific research purposes; laboratory research in the field of gene expression; blood analysis services for scientific research purposes; analysis of human tissues for medical research; scientific services relating to the isolation and cultivation of human tissues and cells for research purposes; preparation of reports relating to scientific and technical research; analysis in the field of molecular biology; contract research services relating to molecular sciences; biological cloning services; structural and functional analysis of genomes;

scientific and medical laboratory services; services of a chemical and/or biological laboratory; laboratory research services relating to pharmaceuticals; research and development and consultation related thereto in the field of antibodies, antibody technology, chemistry, agrochemical pharmaceuticals, bioinformatics, biomedical devices, biologics, biotechnology, biotherapeutics, biology, biochemical preparations, cell lines, cheminformatics, genetics and genetic engineering, gene expression systems, in vitro research, inhalation pharmaceuticals, molecular sciences, micro-organisms, nutrition, ophthalmic preparations, pharmacogenetics, pharmacokinetics, pharmacology, pharmaceuticals, polymers, peptide synthesis, protein, and solid state characterization; toxicokinetic analysis and toxicology services; scientific and technological services, namely, scientific research, development, analysis, testing, engineering, extraction, synthesis, purification and production in the field of antibodies, active pharmaceutical ingredients (API), biomolecules, cell bank characterization, chirality, chromosome aberration, clinical chemistry, cloning vector, cyclotides, DNA, flow cytometry, gas chromatography mass spectrometry, genes, immuno-pharmaceuticals, in vitro irritation, large molecule, liquid chromatography mass spectrometry, microbials, monomers, nanoparticles, natural products, peptides, proteins, RNA, supercritical fluid chromatography, small molecules and vaccines; none of the aforesaid services relating to gel imaging and gel analysis applications.

Class 44: Medical diagnostic testing, monitoring and reporting services; preparation of reports relating to medical matters; services for the testing of urine; pathology services for medical and diagnostic purposes; behavioral analysis in response to chemicals for medical purposes; none of the aforesaid services relating to gel imaging and gel analysis applications

and

The Synoptics trademark registrations for SYNGENE have been cited as blocking the SYNGENE application Serial No. 88/081490 on the grounds of likelihood of confusion under U.S. Trademark Act Section 2(d).

Registrant Synoptics hereby consents to the use and registration of the mark SYNGENE under Serial no. 88/081490 and owned by Syngene, because both parties believe there is no likelihood of confusion arising from the use of the respective SYNGENE marks for the products in Class 9 as identified in the Registrations cited and Applicant's products and services as identified in Serial No. 88/081490 in Classes 1, 5, 10, 16, 35, 39, 40, 42, 44. This belief is based upon the distinct differences in the parties goods and services, the respective targeted consumers, and unrelated channels of trade.



The parties have agreed to take steps necessary to avoid and eliminate any potential confusion or instances of confusion if such instance comes to the attention of either party.

Accordingly, for the reasons set forth above, the parties agree that there is no likelihood of confusion arising from the use of the respective marks for the goods and services identified, and registrant consents to the use and registration of the mark SYNGENE as set forth in Serial no. 88/081490.

Respectfully submitted,

SYNOPTICS LIMITED

Date: 9 December, 2019

By: [Signature]
Name: U. GEORGE
Title: SALES DIRECTOR

SYNGENE INTERNATIONAL LIMITED

Date: December 11, 2019

By: [Signature]
Name: CHINAYYAPPA M B
Title: President, Finance

