

Application Serial No: 88/791,296  
Filing Date: February 10, 2020  
Mark: UPNEEQ  
Owner: RVL Pharmaceuticals, Inc.

RVL Pharmaceuticals, Inc., a Delaware corporation (“Owner”) submits the following in response to the Office Action dated April 30, 2020, for the above-referenced application (the “Application”).

The Application as filed by Vertical Pharmaceuticals, LLC, a Delaware limited liability company (the “Original Applicant”) contained a minor clerical error, namely, that the Original Applicant’s state where legally organized was inadvertently identified as New Jersey rather than Delaware. Owner submits that such error is a correctable error, as there was no existing entity at the time of filing the Application that the matched the applicant details as actually typed in such Application. TMEP § 1201.02(c)(7).

Following the filing of the Application, Owner became the successor to the portion of Original Applicant’s business to which the mark UPNEEQ pertains, which business is (and has been as of April 18, 2020) ongoing and existing. Accordingly, Original Applicant assigned the Application, together with the goodwill of the business symbolized by and associated therewith, to Owner as of April 18, 2020. Such assignment was recorded with the USPTO’s Assignment Recordation Branch on May 15, 2020, at reel/frame 6939/0613.

A Voluntary Amendment to the Application filed April 18, 2020 (the “Preliminary Amendment”) was intended to reflect Owner as the new owner of the Application. Such Preliminary Amendment inadvertently identified Owner by its former name RevitaLid, Inc., a Delaware corporation. On April 6, 2020 (prior to the assignment of the Application) Owner had legally changed its name to RVL Pharmaceuticals, Inc., a Delaware corporation. Owner submits

that such error is a correctable error, as the Owner was merely identified incorrectly. TMEP § 1201.02(c)(5).

Owner is submitting herewith a request to update the ownership information in the USPTO database to reflect the Owner correctly as RVL Pharmaceuticals, Inc., a Delaware corporation.

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Owner respectfully submits that its Application is in condition for prompt publication and requests favorable action. If the foregoing is not a sufficient response to this Office Action, please contact the undersigned at (617)-951-7519 or [erica.han@ropesgray.com](mailto:erica.han@ropesgray.com). Thank you for your assistance.