

12-14-1999

Docket No.:

TMK 19990329



101221730

Tab settings

To the Honorable Commissioner of Patents and Trademarks, please attach original documents or copy thereof.

1. Name of conveying party(ies):

PREFIL CORPORATION
9630 S. 54TH STREET
FRANKLIN, WISCONSIN 53132

12.4.99

2. Name and address of receiving party(ies):

Name: **BECTON DICKINSON AND COMPANY**
Internal Address: **INTELLECTUAL PROPERTY DEPT.**
Street Address: **1 BECTON DRIVE**
City: **FRANKLIN LAKES** State: **NJ** ZIP: **07417-**

- Individual(s)
- General Partnership
- Corporation-State **WISCONSIN**
- Other
- Association
- Limited Partnership

Additional names(s) of conveying party(ies) Yes No

3. Nature of conveyance

- Assignment
- Security Agreement
- Other
- Merger
- Change of Name

Execution Date: **AUGUST 12, 1999**

- Individual(s) citizenship
- Association
- General Partnership
- Limited Partnership
- Corporation-State **NEW JERSEY**
- Other

If assignee is not domiciled in the United States, a domestic designation is Yes No
(Designations must be a separate document from Additional name(s) & address(es) Yes No

4. Application number(s) or registration numbers(s):

A. Trademark Application No. (s)
75/531,370

B. Trademark Registration No.(s)

Additional numbers Yes No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: **Davina M. Bowman, Trademark Manager**
Internal Address: **Intellectual Property Department**
Becton Dickinson and Company

Street Address: **1 Becton Drive**

City: **Franklin Lakes,** State: **NJ** ZIP: **07417**

6. Total number of applications and registrations involved: 1

7. Total fee (37 CFR 3.41):\$ **\$40.00**

- Enclosed
- Authorized to be charged to deposit account

8. Deposit account number:

021666

DO NOT USE THIS SPACE

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Richard A. Carbone, Assistant Secretary
Name of Person Signing

Signature

December 7, 1999
Date

Total number of pages including cover sheet, attachments, and

8

TRADEMARK

REEL: 001998 FRAME: 0236

ASSIGNMENT OF A MARK

WHEREAS, Preefil Corporation, a corporation, of 9630 S. 54th Street, Franklin, Wisconsin 53132, has adopted, used and is using the a mark which is pending registration with the United States Patent and Trademark Office, as set forth in Schedule A attached hereto; and

WHEREAS, Becton, Dickinson and Company, a New Jersey corporation, is desirous of acquiring the Mark including, if applicable, the registration thereof; and

WHEREAS, Becton. Dickinson and Company acknowledges receipt of the correspondence attached as Schedule B, from the United States Patent and Trademark Office which denies registration of the Mark on the Principal Register.

NOW, THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged, Preefil Corporation hereby assigns unto Becton, Dickinson and Company all its right, title and interest in and to the Mark together with the goodwill of the business symbolized by the Mark, and the pending registration thereof.

PREFIL CORPORATION

By: Paul M. Cesarz
Name: Paul M. Cesarz
Title: president

STATE OF WISCONSIN)
) ss
Milwaukee COUNTY)

Personally came before me this 12th day of August, 1999, the above named Paul M. Cesarz, to me known to be the person who executed the foregoing instrument and acknowledged the same.

Michael Byrnes
Michael Byrnes, Notary Public, State of Wisconsin
My Commission: to Permanent

**SCHEDULE A
TO
ASSIGNMENT OF A MARK**

Application for Registered Marks

1. Prefil

**SCHEDULE B
TO
ASSIGNMENT OF A MARK**

See attached correspondence from the United States Patent and Trademark Office.

A\ES\IC\ESARZ\PREEFIL\DOCUMENT SWASSIGN.DOC

The word fill is defined as follows: "To put into as much as can be held" or "To supply as required."

(Please see the attached evidence)

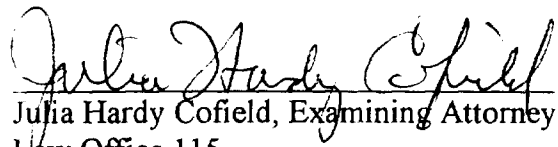
In this case, the applicant's mark merely describes a characteristic or feature prescription and non-prescription medications that are filled in advance.

If the applicant chooses to respond to the refusal to register, the applicant must also respond to the following informality.

The identification of goods is too indefinite for registration purposes. Therefore, the applicant must amend the identification to read as follows, if accurate:

"Prefilled prescription medication namely (specify type and use); pre-filled non-prescription medication, namely (specify type and use)," in International Class 5.

The examining attorney has searched the Office records and has found no similar registered or pending mark which would bar registration under Trademark Act Section 2(d), 15 U.S.C. Section 1052(d). TMEP section 1105.01.


Julia Hardy Cofield, Examining Attorney
Law Office 115
(703) 308-9115 ext. 145

pre-

pre- *prefix*

1. a. Earlier; before; prior to: *prehistoric*. b. Preparatory; preliminary: *premedical*. c. In advance: *prepay*.
2. Anterior; in front of: *preaxial*.

[Middle English, from Old French, from Latin *prae-*, from *prae*, before, in front.]

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fill

fill (fĭl) *verb*

filled, **fill-ing**, **fills** *verb, transitive*

- 1.** **a.** To put into as much as can be held: *fill a glass with milk.* **b.** To supply to the fullest extent: *fill a concert hall.* **c.** To build up the level of (low-lying land) with material such as earth or gravel. **d.** To stop or plug up (an opening, for example). **e.** To repair a cavity of (a tooth). **f.** To add a foreign substance to (cloth or wood, for example).
- 2.** **a.** To satiate, as with food and drink. **b.** To satisfy or meet; fulfill: *fill the requirements.* See synonyms at *satisfy.* **c.** To complete (something) by insertion or addition: *fill in the blanks.* **d.** To supply with material, such as writing, an inscription, or an illustration: *filled the blank spaces on the page with notes.*
- 3.** To supply as required: *fill a prescription; fill an order.*
- 4.** **a.** To place a person in: *fill a job vacancy.* **b.** To possess and discharge the duties of, hold: *fill a post.*
- 5.** **a.** To occupy the whole of; pervade: *Music filled the room.* **b.** To spread throughout: *Fear filled the city.* **c.** To engage or occupy completely; make full: *filled the child's mind with strange ideas; a story that filled our hearts with joy.*
- 6.** To cover the surface of (an inexpensive metal) with a layer of precious metal, such as gold.
- 7.** *Nautical.* **a.** To cause (a sail) to swell. **b.** To adjust (a yard) so that wind will cause a sail to swell.

verb, intransitive

To become full.

noun

- 1.** An amount needed to make full, complete, or satisfied: *eat one's fill.*
- 2.** Material for filling a container, cavity, or passage.
- 3.** **a.** A built-up piece of land; an embankment. **b.** The material, such as earth or gravel, used for fill.

— *phrasal verb.*

fill in

- 1.** *Informal.* To provide with information that is essential or newly acquired: *I wasn't there—would you fill me in?*
- 2.** To act as a substitute; stand in: *an understudy who filled in at the last minute.*

fill out

- 1.** To complete (a form, for example) by providing required information: *carefully filled out the job application.*
- 2.** To become or make more fleshy: *He filled out after age 35.*

— *idiom.*

fill (someone's) shoes

To assume someone's position or duties.

fill the bill *Informal*

To serve a particular purpose.

[Middle English *fillen*, from Old English *fyllan*.]

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