

06-22-2000

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101387398

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):
Michael Comb

Individual Association
 General Partnership Limited Partnership
 Corporation-State
 Other _____

Additional name(s) of conveying party(ies) attached? No

2. Name and address of receiving party(ies):
Name: Cell Signaling Technology, Inc.
Internal Address: _____
Street Address: 32 Tozer Road
City: Beverly State: MA Zip: 01915

Individual(s) citizenship _____
 Association _____
 General Partnership _____
 Limited Partnership _____
 Corporation-State Massachusetts
 Other _____

3. Nature of Conveyances:
 Assignment Merger
 Security Agreement Change of Name
 Other: _____

Execution Date: May 10, 2000

If assignee is not domiciled in the United States, a d
representative designation is attached Yes N
(Designation must be a separate document from As
Additional name(s) & addresses attached Yes No

4. Application number(s) or registration number(s)
A. Trademark Application No.(s)
75/774,467

Additional numbers attached? No

B. Trademark Registration No.(s)

5. Name and address of party to whom correspondence
concerning document should be mailed:
Name: Gregory D. Wililams
Street Address: 32 Tozer Road
City: Beverly State: MA Zip: 01915

6. Total number of registrations and applications involved: 1

7. Total fee (37 CFR 3.41):.....\$ 40.00
 Enclosed
 Authorized to be charged to deposit account

8. Deposit Account Number: 14-0740
(Attach duplicate copy of this page if paying by deposit account)

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01 FE:401 40.00 DP

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.

Gregory D. Williams (Reg. No. 30901)
Name of Person Signing

[Signature] _____ 5/12/00
Signature Date

Total number of pages comprising cover sheet: 1

05-12-2000
U.S. Patent & TMO's/TM Mail Rpt Dt. #54



05-12-2000

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #54

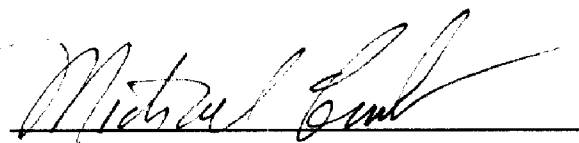
ASSIGNMENT OF TRADEMARKS AND SERVICE MARKS

WHEREAS, I, Michael Comb, an individual residing in the Commonwealth of Massachusetts having a residential address at 27 Proctor Street, Manchester, Massachusetts 01944 (the "Assignor") identified on Exhibit A hereto, and is the owner of the registrations of and pending registration applications for such Marks in the United States Patent and Trademark Office on said Exhibit A; and

WHEREAS, Cell Signaling Technology, Inc., a corporation organized and existing under the laws of the Commonwealth of Massachusetts, having a place of business at 32 Tozer Road (the "Assignee") is desirous of acquiring said Marks and the registration thereof and registration applications therefor;

NOW, THEREFORE, for good and valuable considerations, receipt of which is hereby acknowledged, said Assignor does hereby assign, sell and transfer unto said Assignee all right, title and interest in and to the said Marks, together (a) the registrations of an registration applications for said Marks, (b) the goodwill of the business symbolized by and associated with said Marks and the registrations thereof, and (c) the right to sue and recover for, and the right to profits or damages due or accrued arising out of or in connection with, any and all past, present and future infringements or dilution of or damage or injury to said Marks or the registration thereof or such associated goodwill.

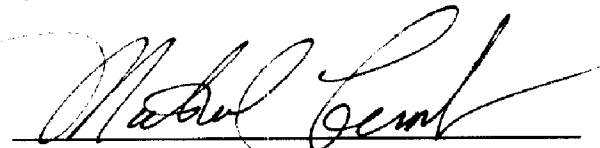
IN WITNESS WHEREOF, the Assignor, Michael Comb, has executed this Assignment, as an instrument under seal, on this 10th day of May, 2000.



Michael Comb

The foregoing Assignment of said Marks and the registrations thereof and registration applications therefor by the Assignor to the Assignee is hereby accepted as of the 10th Day of May, 2000.

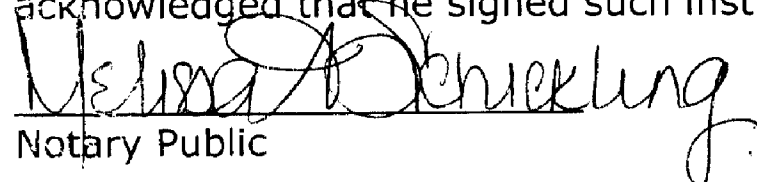
CELL SIGNALING TECHNOLOGY, INC.



Michael Comb
President

Commonwealth of Massachusetts)
County of Essex) ss.

On this the 10th day of May, 2000, before me appeared Michael Comb, the person who signed this instrument, who acknowledged that he signed such instrument as a free act.



Notary Public

My commission expires: May 24, 2002

Comb, Michael J.

U.S.S.N.: 75/774467

Filed: July 17, 1998

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and other enzyme assays, kinase and other enzyme inhibitors designed for use in biotechnological and biomedical research in International Class 001”

Please amend the mark “CELL SIGNALING TECHNOLOGIES” to “CELL SIGNALING TECHNOLOGY”. The applicant’s proposed amendment does not materially alter the character of the mark when compared to the mark as originally filed as required by TMEP section 807.14(a).

Applicant are also submitting herewith an assignment transferring ownership of the proposed mark to Cell Signaling Technologies Corporation, a company organized and existing under the laws of the Commonwealth of Massachusetts. The company is currently incorporated as Cell Signaling Technologies but doing business as Cell Signaling Technology. Accordingly, applicant would like to amend the mark to coincide with the corporate name under which it is doing business. Cell Signaling Technologies is currently in the process of changing its name with the Commonwealth of Massachusetts to Cell Signaling Technology.

DESCRIPTIVENESS

Applicant traverses the Examiner’s rejection on the ground that the mark is descriptive.

The Examiner is of the opinion that Applicants mark “CELL SIGNALING TECHNOLOGIES” is descriptive because it immediately conveys to potential

consumers a purpose of the applicant's goods, namely antibodies used in biotechnical and biomedical research to detect signals given and received by biological cells. Applicant respectfully disagrees.

Applicant submits that "CELL SIGNALING TECHNOLOGIES" is, at best, merely suggestive rather than descriptive. In establishing whether or not a mark is descriptive rather than suggestive, the courts typically rely on one or more of the following three-part test.

(1) The imagination test - How much imagination on the ordinary buyer's part is needed to cull a direct message from the term about the product or service. The more "imagination" needed the more probable that the term is properly classified as "suggestive", rather than "descriptive."

In following the Examiners definitions of the terms "CELL", "SIGNALING", AND "TECHNOLOGY" there is no mention of antibodies for the detection of signaling molecules, post-translational modifications on signaling molecules, non-radioactive kinase and other enzyme assays, kinase and other enzyme inhibitors designed for use in biotechnical and biomedical research. The combination of the terms "CELL SIGNALING TECHNOLOGIES" does not denote the product or service that is being provided but is merely suggestive and would require more "imagination" on the consumers part to ascertain the purpose of the product and is therefore not descriptive.

(2) The competitors' use test - Are other sellers presently using this term to describe their products. While the Examiner has cited articles that refer to "CELL SIGNALING" to describe the process of cells receiving and responding to

signals, none have used this term in connection with antibodies for the detection of signaling molecules, post-translational modifications on signaling molecules, non-radioactive kinase, other enzyme assays, kinase or other enzyme inhibitors. At present there are no other competitors using the intended mark to identify their product.

(3) The competitors' need test - Does the term so directly convey some vitally important information about the product or service that others have a competitive need to use this term to convey that information. As the Examiner has pointed out, there are a number of cites that provide information for cell signaling and thus provide an unlimited amount of options when referring to cell signaling including: Center for Cell Signaling, Cell Signaling: Hormones and Receptors and Cell-cell signaling. A competitor does not need to use "CELL SIGNALING TECHNOLOGIES" to describe the connection between antibodies and the cell.

The combination of the terms is therefore not descriptive of the nature of the goods offered by the applicant but merely creates a suggestive meaning. Accordingly, the applicant requests that the rejection be withdrawn, and that "CELL SIGNALING TECHNOLOGIES" be registered.

CITIZENSHIP

As noted above the Applicant has attached an assignment transferring all rights, title and interests of the proposed mark to Cell Signaling Technologies Corporation, a company organized and existing under the laws of the Commonwealth of Massachusetts. Accordingly, Applicant