

The Examiner's Third-Party Registrations Have Little Probative Value

The Trademark Examining Attorney has submitted printouts of 12 third-party registrations which, she argues, support her contention that applicant's and registrant's products are related. It is well-settled that third-party registrations have little probative value because they are not evidence that the marks are in use on a commercial scale or that the public has become familiar with them. See *Smith Bros. Mfg. Co. v. Stone Mfg. Co.*, 476 F.2d 1004, 177 USPQ 462, 463 (CCPA 1973) (the purchasing public is not aware of registrations reposing in the U.S. Patent and Trademark Office).

Moreover, the fact that the Examining Attorney was able to find only 12 such third-party registrations indicates that such products normally are not offered by companies under a single mark.

Indeed, third-party registrations offered by the Examiner are not sufficiently convincing of the relatedness of the products. In particular, there are too few showing the relatedness of any specific product in the application with any specific product in the cited registration. Accordingly, the examining attorney has not made out a *prima facie* showing in this regard. See, e.g., *Smith Bros. Mfg. Co. v. Stone Mfg. Co.*, 476 F.2d 1004, 177 USPQ 462, 463 (CCPA 1973) ("in the absence of any evidence showing the extent of use of any of such marks or whether any of them are now in use, they [the third-party registrations] provide no basis for saying that the marks so registered have had, or may have, any effect at all on the public mind so as to have a bearing on likelihood of confusion"). See also *CNL Tampa International Hotel Partnership, LP v. Palazzolo*, Opposition No. 91163724 (T.T.A.B. March 7, 2007) (holding that third-party registrations are insufficient to prove that goods or services are legally related, where opposer relied on 102 third-party registrations to argue that its "restaurant services" were related to applicant's "shirts").

Additionally, it should be noted that all of the third-party registrations relied-upon by the Examiner cover a wide range of goods, and therefore have little if any probative value. For example, the Examiner relies in part on the registered trademark for "PUDCOCO", which covers corsets, acupuncture equipment, baby bottles and artificial teeth—goods which are clearly unrelated due to the obvious differences in purpose, function and intended user. The Examiner also relies in part on the registration for "CARER HEALTHCARE INCONTINENCE PREGNANCY", which covers such diverse products as sanitary napkins, pacifiers for babies, and cosmetic ultrasound machines for performing aesthetic skin treatment procedures. Indeed, *Mucky Duck* itself appeared to dismiss the value of two third-party registrations "issued to Saks & Company and to Knott's Berry Farm, owners of a large department store and an amusement or theme center, respectively, where a wide variety of goods and services are sold." *In re Mucky Duck Mustard Co., Inc.*, 6 U.S.P.Q.2d 1467, 1470 n.6 (T.T.A.B. 1988). The Board has since given little or no weight to third-party registrations for house marks or registrations that cover a wide range of goods. See *In re Gebhard*, Serial No. 78950320 (T.T.A.B. March 26, 2009) ("We have given no weight to those third-party registrations for marks which are in the nature of house marks, designer marks and merchandising marks, as it is well-recognized that such marks may

be used for a wide variety of items, and therefore they are of little value in showing that the goods for which they are registered are all related."); *In re Tomberlin Prod. Group, LLC*, Serial No. 78734308 (T.T.A.B. November 30, 2007) ("we do not give further consideration to those registrations submitted by the examining attorney that include a 'laundry list' of goods and services"); *In re The Orvis Co., Inc.*, Serial No. 78276739 (T.T.A.B. October 22, 2007) ("we find that the vast majority of [the examining attorney's third-party] registrations are analogous to house marks because the identifications of goods encompass a broad range of clothing, accessory and sporting goods products. Therefore, the inclusion of fishing vests, swimwear and/or leotards in the identifications of goods is not particularly significant."); *In re Invivo Corp.*, Serial No. 78670679 (T.T.A.B. September 5, 2007) ("Generally, registrations of house marks are given little probative value in terms of showing that the various goods listed therein are related because they cover such a disparate range of goods."); *7-Eleven Inc. v. HEB Grocery Co. LP*, 83 U.S.P.Q.2d 1257, 1262 (T.T.A.B. 2007) (the "registrations cover a broad array of goods, many of which are wholly unrelated, and, therefore, no conclusion can be drawn as to the relationship between the goods in issue in this case.")

The Fact that Both Applicant and Registrant Offer "Medical Supplies"
Is Not Sufficient to Establish Relatedness

Moreover, to the extent Applicant and Registrant both offer "medical supplies" (as the Examiner puts it in her Office Action), that is also not enough by itself to establish that the goods are related. Indeed, "a finding that the goods are similar is not based on whether a general term or overarching relationship can be found to encompass them both." *Edwards Lifesciences Corp. v. VigiLanz Corp.*, 94 USPQ2d 1399, 1410 (TTAB 2010) (citing *Harvey Hubbell Inc. v. Tokyo Seimitsu Co., Ltd.*, 188 USPQ 517, 520 (TTAB 1975)); *In re W.W. Henry Co.*, 82 USPQ2d 1213, 1215 (TTAB 2007) ("to demonstrate that goods are related, it is not sufficient that a particular term may be found which may broadly describe the goods"); see also, *Bose Corp. v. QSC Audio Products Inc.*, 293 F.3d 1367, 63 USPQ2d 1303, 1310 (Fed. Cir. 2002) (stating, in dicta, that "a broad general market category is not a generally reliable test of relatedness of products").

For example, the Federal Circuit reversed the TTAB's finding that gloves are related to barbeque mitts:

The mere fact that "mitt" is defined as a type of glove has no relevance to whether a consumer would believe that the two products emanate from the same source ... First, Shen's product is not a mitt, it is a barbeque mitt. It is designed to protect the hand from heat while cooking. While it covers the hand like a glove, it is better understood as a tool than as an article of clothing. The unrelatedness of RHL's and Shen's products is highlighted by comparing a similar set of goods: hard hats used by construction workers and fedoras. While both are hats that are used to cover the head, they have different purposes. The first is used for protection, just as a barbeque mitt is, while the second functions to keep the head warm in addition to adding an air of style, just as ready made or tailored gloves do. The mere fact that both barbeque mitts and gloves are worn on

the hands simply does not support a finding that consumers would associate these products with a common source.

Shen Mfg. Co. v. Ritz Hotel Ltd., 73 USPQ2d 1350, 1357 (Fed. Cir. 2004); see also *In re Mars, Inc.*, 741 F.2d 395, 222 USPQ 938 (Fed. Cir. 1984) (reversing refusal to register CANYON for candy bars based on registration of CANYON for fresh citrus fruits, namely, oranges, lemons and grapefruit); *Curtice-Burns, Inc. v. Northwest Sanitation Products, Inc.*, 185 USPQ 61, 62-63 (TTAB 1975), *aff'd*, 530 F.2d 1396 (CCPA 1976) (“while respondent’s toilet bowl cleaner is sold through the same trade channels as the canned vegetables, fruits and soft drinks of petitioner, the two products are non-competitive, differ significantly in utility, and have nothing in common with respect to their essential characteristics, uses or sales appeal”).

This case is analogous, in that while Applicant and Registrant both offer different types of “medical supplies”, they perform different functions. The Applicant’s medical gloves are disposable gloves used during medical examinations and procedures to help prevent cross-contamination between caregivers and patients. The Registrant’s incontinence bed pads, on the other hand, are more akin to a mattress protectors designed to protect the mattress from liquids. While both products could be considered to be “medical supplies,” they have different purposes, Applicant’s to prevent cross-contamination between caregivers and patients, and Registrant’s to protect mattresses from liquids. The mere fact that both medical gloves and incontinence bed pads can be considered “medical supplies” does not support a finding that consumers would associate them with a common source. *Edwards Lifesciences*, 94 USPQ2d at 1410 (finding that computer system which monitors adverse drug events and heart monitors have only “superficial similarities” and would not be confused); *In re W.W. Henry*, 82 USPQ2d at 1214 (finding no relationship between cement patches for repairing wall and floor surfaces and chemical filler for cosmetic repair of polyolefin surfaces).

The Common Element is Weak in the Relevant Industry

Furthermore, applicant notes that the term "INSPIRE" is weak in the medical products industry. In fact, the PTO has allowed the registration of the following marks, all of which contain "INSPIRE", and all of which are associated with medical-related products in Class 010:

- **INSPIRE, Reg. No. 4978142;**
- **INSPIRE, Reg. No. 4173573;**
- **INSPIRE, Reg. No. 4009765;**
- **INSPIRE, Reg. No. 3567008;**
- **INSPIRE, Reg. No. 3151256;**
- **INSPIRE, Serial No. 87796143 (Notice of Allowance issued);**
- INSPIRE UPPER AIRWAY STIMULATION, Reg. No. 5400549;
- INSPIRE THE SENSES, Reg. No. 5593160;
- ENCOR ENSPIRE, Reg. No. 4168792;
- INSPIRE ICE, Reg. No. 4194674;
- NXSTAGE INVENT. IMPROVE. INSPIRE., Reg. No. 4129269;

- INVENT. IMPROVE. INSPIRE., Reg. No. 4129268;
- INSPIRX, Reg. No 4242485;
- INSPIRE THE NEXT, Reg. No. 3880089; and
- ATTIRE THAT INSPIRES, Serial. No. 87890979 (Notice of Allowance issued).

The above-listed fifteen (15) trademarks, all of which cover medical-related products in Class 010, are owned by thirteen (13) different entities. See attached copies of the trademark registration certificates. The fact that the PTO has allowed at least thirteen (13) different entities to register the "INSPIRE" name in connection with medical-related products (none of which have encountered any oppositions) serves to suggest that the term "INSPIRE" is weak in the medical products industry, and therefore deserves a very narrow scope of protection. If the PTO has allowed different parties to register six different marks for the exact same name "INSPIRE" for various medical-related products (see the listed marks above in **bold**), then surely this Applicant should likewise be allowed to register its mark for "INSPIRE" as well. Clearly, the PTO is of the view that differences in the goods provided under the "INSPIRE" name in the medical products industry serve to obviate any potential confusion among consumers.

Indeed, the TMEP specifically states: "***If the common element of two marks is 'weak' in that it is generic, descriptive, or highly suggestive of the named goods or services, consumers typically will be able to avoid confusion unless the overall combinations have other commonality.***" TMEP §1207.01(b)(viii). In this, case, the common element is weak (the term "INSPIRE" is commonly used in connection with medical-related products, as evidenced by the 15 trademarks listed above, which are owned by 13 different entities), and there is no other commonality. Accordingly, consumers should be able to avoid confusion.

Based on the foregoing, confusion is not likely, and the 2(d) refusal should be withdrawn.

Int. Cls.: 5 and 10

Prior U.S. Cls.: 6, 18, 26, 39, 44, 46, 51 and 52

Reg. No. 3,151,256

United States Patent and Trademark Office

Registered Oct. 3, 2006

Corrected

OG Date Aug. 31, 2010

TRADEMARK
PRINCIPAL REGISTER

INSPIRE

EXOPACK ADVANCED COATINGS, LLC
(DELAWARE CORPORATION)
3070 SOUTHPORT RD
SPARTANBURG, SC 29304

FOR: MATERIALS FOR DRESSINGS,
NAMELY FOAM SHEETS, ADHESIVES
AND HYDROGELS FOR USE AS A
COMPONENT IN WOUND DRESSINGS,
IN CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51
AND 52).

FIRST USE 5-14-2004; IN COMMERCE
5-14-2004.

FOR: PERMEABLE PLASTIC FILMS
FOR MEDICAL USE AS A COMPONENT
IN WOUND DRESSINGS, IN CLASS 10
(U.S. CLS. 26, 39 AND 44).

FIRST USE 5-14-2004; IN COMMERCE
5-14-2004.

SER. NO. 76-543,292, FILED 9-8-2003.

*In testimony whereof I have hereunto set my hand
and caused the seal of The Patent and Trademark
Office to be affixed on Aug. 31, 2010.*

Int. Cls.: 10, 16 and 25

Prior U.S. Cls.: 2, 5, 22, 23, 26, 29, 37, 38, 39, 44 and 50

Reg. No. 3,567,008

United States Patent and Trademark Office

Registered Jan. 27, 2009

TRADEMARK
PRINCIPAL REGISTER



K2 HEALTH PRODUCTS, LLC (NEW YORK
LIMITED LIABILITY COMPANY)
5359 KINGS HIGHWAY
BROOKLYN, NY 11203

THE COLOR(S) SILVER, WHITE, BLUE IS/ARE
CLAIMED AS A FEATURE OF THE MARK.

FOR: INCONTINENCE BED PADS, IN CLASS 10
(U.S. CLS. 26, 39 AND 44).

FIRST USE 12-0-2006; IN COMMERCE 12-0-2006.

FOR: PAPER LINERS FOR DIAPERS, IN CLASS 16
(U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

FIRST USE 12-0-2006; IN COMMERCE 12-0-2006.

FOR: LIQUID ABSORBENT UNDERWEAR
CLOTHING FOR ADULTS, NAMELY, PROTECTIVE
UNDERWEAR CONTAINING REMOVABLE DISPO-
SABLE LINERS; ABSORBENT INCONTINENCE UN-
DERWEAR CLOTHING; DISPOSABLE
UNDERWEAR, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 12-0-2006; IN COMMERCE 12-0-2006.

THE MARK CONSISTS OF A SILVER TRIMMED
RECTANGLE WITH THE UPPER RIGHT AND
LOWER LEFT CORNERS ROUNDED, FILLED IN
WITH A BLUE BACKGROUND WITH THE WORD
"INSPIRE" WRITTEN IN THE CENTER OF THE
RECTANGLE IN WHITE FONT WITH THE TOP
LEFT OF THE LETTER "P" CONTINUING OVER
THE LETTERS "N" AND "S" WHICH PROCEED THE
"P", IN THE TOP RIGHT PORTION OF THE REC-
TANGLE, ABOVE THE LETTERS, THERE IS A
WHITE CURVE SHADED IN THE BLUE BACK-
GROUND.

SER. NO. 77-487,448, FILED 5-30-2008.

RONALD DELGIZZI, EXAMINING ATTORNEY

United States of America

United States Patent and Trademark Office

INSPIRE THE NEXT

Reg. No. 3,880,089

Registered Nov. 23, 2010

**Int. Cls.: 6, 7, 8, 9, 10, 11,
35, 36, and 38**

TRADEMARK

SERVICE MARK

PRINCIPAL REGISTER

KABUSHIKI KAISHA HITACHI SEISAKUSHO (JAPAN CORPORATION), DBA HITACHI, LTD.,
6-6 MARUNOUCHI 1-CHOME, CHIYODA-KU
TOKYO, JAPAN

FOR: COMMON METALS AND THEIR ALLOYS SOLD IN BULK; PIPES AND TUBES OF METAL FOR USE IN THE MANUFACTURE OF SEMICONDUCTORS, ELECTRICAL PARTS, AND CONSUMER APPLIANCES; SOFT FERRITE, UNWROUGHT COMMON METAL, AND SEMI-WROUGHT COMMON METAL, ALL FOR USE IN OPTICAL NETWORK COMMUNICATION HARDWARE, ANTENNAE, PORTABLE PHONES, MAGNET COMPASS SENSORS, INFORMATION TECHNOLOGY SENSORS, NOISE REDUCTION HARDWARE, POWER SUPPLIES, MAGNETS, MOTORS, MOBILE TELEPHONES, PERSONAL DIGITAL ASSISTANTS, PAGERS, FLAT PANEL DISPLAYS, SEMICONDUCTORS, INTEGRATED CIRCUITS, AUTOMOBILES, FILTERS, PIPES, METAL MANUFACTURING ROLLS, PLASTIC MANUFACTURING ROLLS, MOLDS FOR PLASTIC AND METAL MANUFACTURING, AND STEEL BLADES; IRON, NICKEL, COBALT, CHROMIUM, MOLYBDENUM, ALUMINUM, SILVER, COPPER, TITANIUM, NIOBIUM, AND ZIRCONIUM ALLOYS; ALUMINUM ALLOY CASTING; MAGNESIUM ALLOY CASTINGS, CHAINS, ROLLING BARS, PIPE FITTINGS; MALLEABLE CAST IRON FOR USE IN ELECTRONICS MANUFACTURING, CAR MANUFACTURING, AUTOMOTIVE COMPONENTS AND MATERIALS, PIPING AND INFRASTRUCTURE PRODUCTS, BUILDING CONSTRUCTION AND INDUSTRIAL BUILDING PLANT COMPONENT AND MATERIALS, ELECTRICAL POWER SUPPLY AND ELECTRICAL POWER SUPPLY COMPONENTS, AND AEROSPACE DEVICES; FORGING AND CAST STEEL FOR USE IN ELECTRONICS MANUFACTURING, CAR MANUFACTURING, AUTOMOTIVE COMPONENTS AND MATERIALS, PIPING AND INFRASTRUCTURE PRODUCTS, BUILDING CONSTRUCTION AND INDUSTRIAL BUILDING PLANT COMPONENT AND MATERIALS, ELECTRICAL POWER SUPPLY AND ELECTRICAL POWER SUPPLY COMPONENTS, AND AEROSPACE DEVICES; VALVES OF METAL, OTHER THAN PARTS OF MACHINES; TOOL STEEL; METAL CLAD LAMINATE; MOLDING COMPOUNDS OF METAL FOR USE IN ELECTRONICS MANUFACTURING; SINTERED METAL PARTS FOR USE IN ELECTRONICS MANUFACTURING, CAR MANUFACTURING, AUTOMOTIVE COMPONENTS AND MATERIALS, PIPING AND INFRASTRUCTURE PRODUCTS, CONSTRUCTION AND PLANT MATERIALS, POWER SUPPLY AND POWER SUPPLY COMPONENTS, AND AEROSPACE DEVICES, IN CLASS 6 (U.S. CLS. 2, 12, 13, 14, 23, 25 AND 50).

FIRST USE 12-31-2000; IN COMMERCE 2-28-2007.

FOR: ELECTRIC MOTORS FOR MACHINES; STARTER ALTERNATORS; ALTERNATORS FOR LAND VEHICLES; HOISTS; STEAM TURBINES; GAS TURBINES; PUMPS, NAMELY, FUEL PUMPS, WATER PUMPS FOR IRRIGATION AND SEWAGE, FEED PUMPS, VACUUM PUMPS, HIGH VISCOSITY FLUID PUMPS, AND LIQUID METAL PUMPS; AIR COMPRESSORS; POWER-OPERATED BLOWERS FOR MACHINE ENGINES; POWER DRIVEN HAND/STATIONERY TOOLS, NAMELY, CIRCULAR SAWS, CUTTERS, DRILLS, GRINDERS, HAMMERS, MITER SAWS, PNEUMATIC NAILERS, POLISHERS, ROTARY BANDSAWS, ROUTERS, SANDERS; EQUIPMENT AND APPLIANCES FOR AUTOMOBILES, NAMELY,



David J. Kyros

Director of the United States Patent and Trademark Office

Reg. No. 3,880,089 ALTERNATORS; FRICTION PRODUCTS, NAMELY, DRUM BRAKE LININGS AND DISC BRAKE PADS; PLASTIC MACHINE COMPONENTS, NAMELY, GEARS; CNC DRILLING MACHINES, IN CLASS 7 (U.S. CLS. 13, 19, 21, 23, 31, 34 AND 35).

FIRST USE 12-31-2000; IN COMMERCE 2-28-2007.

FOR: CUTTING TOOLS, NAMELY, METAL CUTTING SAWS, IN CLASS 8 (U.S. CLS. 23, 28 AND 44).

FIRST USE 12-31-2000; IN COMMERCE 2-28-2009.

FOR: AUTOMATIC VENDING MACHINES AND MECHANISMS FOR COIN-OPERATED APPARATUS, NAMELY, COIN AND BILL ACCEPTORS; CASH REGISTERS; DATA PROCESSING EQUIPMENT AND COMPUTERS; LIQUID CRYSTAL DISPLAY DEVICES; COMPUTER PROGRAMS FOR USE IN THE MANUFACTURE OF SEMICONDUCTORS AND CONSUMER APPLIANCES; ENTERPRISE APPLICATION INTEGRATION SOFTWARE AND ENTERPRISE SYSTEM MANAGEMENT SOFTWARE; DATA STORAGE SOFTWARE; SOFTWARE FOR COMPUTER NETWORK MANAGEMENT AND MAINTENANCE; ELECTRONIC CONTROLLING EQUIPMENT FOR ROLLING STOCK, NAMELY, TRANSFORMERS, INVERTERS; SCIENTIFIC MEASURING INSTRUMENTS, NAMELY, MASS SPECTROMETERS, MICRO ANALYZERS, MICROSCOPES, MAGNETIC RESONANCE SPECTROPHOTOMETERS, SPECTROMETERS, PHOTOMETERS; TELEVISION RECEIVING SETS; VIDEO CAMERAS; NUCLEAR MEDICAL DATA PROCESSING SYSTEMS COMPRISED OF PERSONAL COMPUTERS, WORK STATION COMPUTERS, NUCLEAR MEDICAL DATA ANALYSIS PROCESSING SOFTWARE, AND GAMMA CAMERAS; LOCAL AREA NETWORK AND INTEGRATED SERVICE DIGITAL NETWORK APPARATUS, NAMELY, HUBS, SWITCHES, AND ROUTERS, NETWORK CARDS, AND NETWORK ACCESS SERVER HARDWARE AND SOFTWARE, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 12-31-2000; IN COMMERCE 2-28-2007.

FOR: MEDICAL EQUIPMENT, NAMELY, TOMOGRAPHY, TOMOGRAPHY UNITS, ULTRASONIC BLOOD FLOW MONITORS; ULTRASOUND CARDIOGRAM UNITS; X-RAY UNITS, X-RAY GENERATORS, IN CLASS 10 (U.S. CLS. 26, 39 AND 44).

FIRST USE 12-31-2000; IN COMMERCE 2-28-2009.

FOR: BOILERS, IN CLASS 11 (U.S. CLS. 13, 21, 23, 31 AND 34).

FIRST USE 12-31-2000; IN COMMERCE 2-28-2009.

FOR: CONSULTATION, DESIGN OF BUSINESS STRATEGIES, RESEARCH AND DEVELOPMENT IN THE FIELDS OF ADVERTISEMENT, BUSINESS MANAGEMENT, ELECTRONIC COMMERCE, SUPPLY CHAIN MANAGEMENT, CUSTOMER RELATIONSHIP MANAGEMENT; LEASING OF OFFICE MACHINES AND EQUIPMENT, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 12-31-2000; IN COMMERCE 2-28-2007.

FOR: FINANCIAL PLANNING SERVICES, IN CLASS 36 (U.S. CLS. 100, 101 AND 102).

FIRST USE 12-31-2000; IN COMMERCE 2-28-2007.

FOR: TELECOMMUNICATIONS SERVICES, NAMELY, THE ELECTRONIC TRANSMISSION OF VOICE, FACSIMILE, DATA, VIDEO AND INFORMATION; LEASING AND RENTAL OF COMMUNICATION EQUIPMENT, IN CLASS 38 (U.S. CLS. 100, 101 AND 104).

FIRST USE 12-31-2000; IN COMMERCE 2-28-2007.

Reg. No. 3,880,089 SN 75-924,852, FILED 2-22-2000.

JEAN IM, EXAMINING ATTORNEY

United States of America
United States Patent and Trademark Office

INSPIRE

Reg. No. 4,009,765

Registered Aug. 9, 2011

Int. Cl.: 10

TRADEMARK

PRINCIPAL REGISTER

INSPIRE MEDICAL SYSTEMS, INC. (DELAWARE CORPORATION)
SUITE 200
9700 63RD AVENUE NORTH
MAPLE GROVE, MN 55369

FOR: ELECTRICAL STIMULATION APPARATUS FOR THE TREATMENT OF SLEEP APNEA, NAMELY, AN IMPLANTABLE NERVE OR MUSCLE STIMULATOR FOR HEALTH AND MEDICAL PURPOSES; MEDICAL APPARATUS FOR THE TREATMENT OF SLEEP APNEA, NAMELY, AN UPPER AIRWAY STIMULATOR, IN CLASS 10 (U.S. CLS. 26, 39 AND 44).

FIRST USE 5-1-2009; IN COMMERCE 5-1-2009.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SN 77-395,989, FILED 2-13-2008.

ELIZABETH KAJUBI, EXAMINING ATTORNEY



David J. Kyros

Director of the United States Patent and Trademark Office

United States of America

United States Patent and Trademark Office

INVENT. IMPROVE. INSPIRE.

Reg. No. 4,129,268

Registered Apr. 17, 2012

Int. Cl.: 10

TRADEMARK

PRINCIPAL REGISTER

NXSTAGE MEDICAL, INC. (DELAWARE CORPORATION)
5TH FLOOR
439 SOUTH UNION STREET
LAWRENCE, MA 01843

FOR: MEDICAL DEVICES, NAMELY, BLOOD PROCESSING MACHINES, DISPOSABLE TUBING AND CARTRIDGES, NEEDLES, SYRINGES, HEMOFILTERS, DIALYZERS, AND KITS CONTAINING THE SAME, ALL FOR PROVIDING ACUTE AND CHRONIC TREATMENT FOR KIDNEY FAILURE, IN CLASS 10 (U.S. CLS. 26, 39 AND 44).

FIRST USE 1-3-2012; IN COMMERCE 1-3-2012.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SN 85-071,369, FILED 6-25-2010.

MICHAEL WIENER, EXAMINING ATTORNEY



David J. Kyros

Director of the United States Patent and Trademark Office

United States of America

United States Patent and Trademark Office



Reg. No. 4,129,269

Registered Apr. 17, 2012

Int. Cl.: 10

TRADEMARK

PRINCIPAL REGISTER

NXSTAGE MEDICAL, INC. (DELAWARE CORPORATION)
439 SOUTH UNION STREET
5TH FLOOR
LAWRENCE, MA 01843

FOR: MEDICAL DEVICES, NAMELY, BLOOD PROCESSING MACHINES, DISPOSABLE TUBING AND CARTRIDGES, NEEDLES, SYRINGES, HEMOFILTERS, DIALYZERS, AND KITS CONTAINING THE SAME, ALL FOR PROVIDING ACUTE AND CHRONIC TREATMENT FOR KIDNEY FAILURE, IN CLASS 10 (U.S. CLS. 26, 39 AND 44).

FIRST USE 1-3-2012; IN COMMERCE 1-3-2012.

OWNER OF U.S. REG. NOS. 2,565,758 AND 2,565,759.

THE MARK CONSISTS OF THE WORD "NXSTAGE" IN STYLIZED FORM WITH THE WORDS "INVENT", "IMPROVE" AND "INSPIRE" BELOW.

SN 85-071,378, FILED 6-25-2010.

MICHAEL WIENER, EXAMINING ATTORNEY



David J. Kyros

Director of the United States Patent and Trademark Office

United States of America

United States Patent and Trademark Office

ENCOR ENSPIRE

Reg. No. 4,168,792

Registered July 3, 2012

Int. Cl.: 10

TRADEMARK

PRINCIPAL REGISTER

C. R. BARD, INC. (NEW JERSEY CORPORATION)
730 CENTRAL AVENUE
MURRAY HILL, NJ 07974

FOR: MEDICAL DEVICES AND APPARATUS, NAMELY, BIOPSY DEVICES INCLUDING SOFTWARE AND A TOUCH SCREEN INTERFACE FOR THE DIAGNOSIS AND TREATMENT OF BREAST CANCER AND PARTS AND FITTINGS THEREOF, IN CLASS 10 (U.S. CLS. 26, 39 AND 44).

FIRST USE 1-4-2012; IN COMMERCE 1-4-2012.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NO. 2,971,257.

SN 85-231,385, FILED 2-1-2011.

EMILY CHUO, EXAMINING ATTORNEY



David J. Kyros

Director of the United States Patent and Trademark Office

United States of America
United States Patent and Trademark Office

INSPIRE

Reg. No. 4,173,573

Registered July 17, 2012

Int. Cl.: 10

TRADEMARK

PRINCIPAL REGISTER

SORIN GROUP ITALIA S.R.L. (ITALY LIMITED LIABILITY COMPANY)
VIA STATALE 12 NORD, 86
I-41037 MIRANDOLA (MO)
ITALY

FOR: MEDICAL DEVICES, NAMELY, BLOOD OXYGENATORS AND HOLLOW FIBER
BLOOD OXYGENATORS, IN CLASS 10 (U.S. CLS. 26, 39 AND 44).

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PAR-
TICULAR FONT, STYLE, SIZE, OR COLOR.

PRIORITY DATE OF 5-9-2011 IS CLAIMED.

OWNER OF INTERNATIONAL REGISTRATION I089638 DATED 7-6-2011, EXPIRES 7-6-
2021.

SER. NO. 79-102,131, FILED 7-6-2011.

STEVEN PEREZ, EXAMINING ATTORNEY



David J. Kyros

Director of the United States Patent and Trademark Office

United States of America
United States Patent and Trademark Office

INSPIRE ICE

Reg. No. 4,194,674

ORMCO CORPORATION (DELAWARE CORPORATION)
1717 WEST COLLINS AVENUE
ORANGE, CA 92867

Registered Aug. 21, 2012

Int. Cl.: 10

FOR: ORTHODONTIC BRACKETS, IN CLASS 10 (U.S. CLS. 26, 39 AND 44).

TRADEMARK

FIRST USE 11-3-2003; IN COMMERCE 11-3-2003.

PRINCIPAL REGISTER

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 85-519,121, FILED 1-18-2012.

INGA ERVIN, EXAMINING ATTORNEY



David J. Kyros

Director of the United States Patent and Trademark Office

United States of America

United States Patent and Trademark Office



Reg. No. 4,242,485

INSPIRX, INC. (NEW JERSEY CORPORATION)
11D JULES LANE
NEW BRUNSWICK, NJ 08901

Registered Nov. 13, 2012

Int. Cl.: 10

FOR: MEDICAL APPARATUS FOR FACILITATING THE INHALATION OF PHARMACEUTICAL PREPARATIONS, IN CLASS 10 (U.S. CLS. 26, 39 AND 44).

TRADEMARK

FIRST USE 7-1-2011; IN COMMERCE 7-1-2011.

PRINCIPAL REGISTER

THE MARK CONSISTS OF THE WORD "INSPIRX" IN A STYLIZED FONT IN WHITE AGAINST A DARK BLUE OVAL WITH A SHADOW EFFECT ON THE RIGHT SIDE.

THE COLOR(S) BLUE AND WHITE IS/ARE CLAIMED AS A FEATURE OF THE MARK.

SN 85-111,277, FILED 8-19-2010.

MARTHA FROMM, EXAMINING ATTORNEY



David J. Kyros

Director of the United States Patent and Trademark Office

United States of America
United States Patent and Trademark Office

INSPIRE

Reg. No. 4,978,142

CALIFORNIA EXOTIC NOVELTIES, LLC (CALIFORNIA LIMITED LIABILITY COMPANY)
PO BOX 50400

Registered June 14, 2016

ONTARIO, CA 91761

Int. Cl.: 10

FOR: ADULT SEXUAL STIMULATION AIDS, NAMELY, MASSAGERS, VIBRATORS, AND ACCESSORIES THEREFOR, IN CLASS 10 (U.S. CLS. 26, 39 AND 44).

TRADEMARK

FIRST USE 12-29-2009; IN COMMERCE 12-29-2009.

PRINCIPAL REGISTER

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 86-813,361, FILED 11-9-2015.

CHRISTINA SOBRAL, EXAMINING ATTORNEY



Michelle K. Lee

Director of the United States
Patent and Trademark Office

United States of America

United States Patent and Trademark Office



Reg. No. 5,400,549

Registered Feb. 13, 2018

Int. Cl.: 10

Trademark

Principal Register

Inspire Medical Systems, Inc. (DELAWARE CORPORATION)
9700 63rd Avenue North, Suite 200
Maple Grove, MINNESOTA 55369

CLASS 10: An upper airway electrical stimulation apparatus for the treatment of sleep apnea, namely, an implantable nerve or muscle stimulator for health and medical purposes

FIRST USE 10-00-2011; IN COMMERCE 10-00-2011

The colors navy blue and green are claimed as a feature of the mark.

The mark consists of the word "INSPIRE" in navy blue having an arrow with a split shaft pointing downward between the letters "N" and "S" in green that is centered above the words "UPPER AIRWAY STIMULATION" in navy blue.

OWNER OF U.S. REG. NO. 4009765

No claim is made to the exclusive right to use the following apart from the mark as shown:
"UPPER AIRWAY STIMULATION"

SER. NO. 87-518,487, FILED 07-06-2017



Andrei Iancu

Director of the United States
Patent and Trademark Office

United States of America

United States Patent and Trademark Office

INSPIRE THE SENSES

Reg. No. 5,593,160

Registered Oct. 30, 2018

**Int. Cl.: 8, 10, 16, 20, 21,
28**

Trademark

Principal Register

HAMCO, INC. (LOUISIANA CORPORATION)
916 South Burnside Avenue
Gonzales, LOUISIANA 70737

CLASS 8: Children's and infants' feeding and eating utensils, namely, forks and spoons for children; Baby manicure scissors

FIRST USE 12-1-2006; IN COMMERCE 12-1-2006

CLASS 10: Teethers for babies; Teething rings, Nasal aspirators; Syringe actuated baby bottles; Baby nursers; Baby feeding devices, namely, cups, dishes, and mesh feeders adapted for feeding babies

FIRST USE 12-1-2006; IN COMMERCE 12-1-2006

CLASS 16: Disposable pads for changing diapers; Plastic disposable diaper bags; Photo albums; Children's activity books

FIRST USE 12-1-2006; IN COMMERCE 12-1-2006

CLASS 20: Doorway bouncer seats

FIRST USE 12-1-2006; IN COMMERCE 12-1-2006

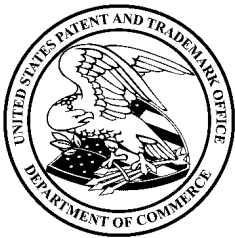
CLASS 21: Soap dispenser bottle; Bottle nipple cleaning brush; Plates, bowls, cups, mugs for children; Baby food storage containers for household use; Vinyl baby bath tubs; Children's and infants' feeding bowls

FIRST USE 12-1-2006; IN COMMERCE 12-1-2006

CLASS 28: Plush toys; Plush toy animals; Soft sculpture toys; Baby and children's multiple activity toys; Toys, namely, plush toys, stuffed toys, and musical stuffed toys; Infants' toys; Stuffed toy animals; Bath toys and bath tub toys, namely, water toys that float, bob, squirt, create playful or musical sounds, indicate water temperature, toys that are configured to serve as bath tub, sink and shower sprayers and spout guards, toys that adhere to a tub to educate a child, and toys that serve as visors for the purpose of keeping water and suds out of children's eyes; Toys and playthings for infants and toddlers, namely, baby multiple activity toys, children's ring toys, plush toys and soft sculpture plush toys used to pacify, soothe, and calm; Manipulative puzzles; Play ring toys for infants; Baby Rattles; Pull toys; Push toys; Crib toys; Toy buckets; Bath toys; Toy balls; Baby toy keys; Musical toys; Floor playmats to facilitate child development

FIRST USE 12-1-2006; IN COMMERCE 12-1-2006

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY



Andrei Iancu

Director of the United States
Patent and Trademark Office

PARTICULAR FONT STYLE, SIZE OR COLOR

SER. NO. 87-565,690, FILED 08-11-2017