


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK APPLICATION - PRINCIPAL REGISTER

Ser. No.	88250564
Mark	
Goods	<u>Class 10</u> Surgical implants comprising artificial material and instruments for use in spinal surgery; Goods of metal for medical use, namely, screws; Pedicle screws; Reduction screws
Owner	Amendia, Inc. DBA Spinal Elements

RESPONSE TO OFFICE ACTION

This Response is filed in reply to the Office Action issued March 24, 2019 in the subject application. The Examining Attorney raised issues regarding: the identification of goods; and a Section 2(d) refusal. Each of these issues are addressed in this Response.

I. Identification of Goods

Applicant is amending the description of goods as shown below.

Class 10 Surgical implants comprising artificial material and instruments for use in spinal surgery; Goods of metal for medical use, namely, screws **for use in spinal surgery**; Pedicle screws **for use in spinal surgery**; Reduction screws **for use in spinal surgery**

II. Section 2(d) Refusal

The Examining Attorney issued a Section 2(d) refusal on the alleged basis of a likelihood of confusion with the marks in Reg. Nos. 2861177, 2035695, 3268707, and 4118099. Applicant respectfully disagrees with the refusal and submits the remarks herein in support of registration.

Applicant Amendia, Inc. DBA Spinal Elements owns the assets of Omni Acquisition, Inc, which is the currently listed owner for the cited TALON-formative mark for “Surgical implants for use in spinal surgery” in Reg. No. 4118099. Applicant is also amending the description of goods to recite **for use in spinal surgery**. Applicant’s goods therefore negate any likelihood of confusion with the remaining cited registrations for TALON for a hip device, STERNAL TALON (Disclaimer: STERNAL) for a chest device, and TALON for a head device. In addition, Applicant’s mark includes a prominent design and additional wording, which further distinguishes.

Moreover, the cited registrations have co-existed on the Register (with other TALON marks), which indicates that the USPTO should also allow Applicant’s application to proceed towards registration. Furthermore, Applicant owned another co-existing registration for a TALON mark (Reg. No. 4118098), since cancelled on other grounds. These aforementioned registrations are noted below and provided in EXHIBIT A.

Mark	Reg. No.	Goods	Owner
SERPENT TALON LONG CANNULATED SYSTEM & Design	4118099	[surgical implants for use in spinal surgery]	Omni Acquisition, Inc.
TALON	2861177	[compression hip device]	Orthopedic Designs North America, Inc.
STERNAL TALON (Disclaimer: STERNAL)	3268707	[chest closure device]	KLS-Martin, Inc.
TALON	2035695	[device for immobilizing a patient's head]	Best Medical International, Inc.
TALON	3842941	[endoscopic tool]	U.S. Endoscopy Group, Inc.
TALON SYSTEM & Design	4118098 [cancelled]	[surgical implants for use in spinal surgery]	Omni Acquisition, Inc.

A. Precedent establishes that the sophistication of consumers carries great weight in determining whether any likelihood of confusion would actually exist for distinguishable goods.

The Trademark Trial and Appeal Board established that the sophistication of consumers would leave “no room for misunderstanding about the sources of the respective products,” for specific goods marketed to hospitals. See *Edwards Lifesciences Corporation v. VigiLanz Corporation*, 94 USPQ2d 1399 (TTAB 2010) [precedential]. In that case, there was no likelihood of confusion between VIGILANZ and VIGILANCE for a “near real-time computer monitoring system ... that anticipates and detects possible adverse drug events” versus “heart monitors,” even despite a finding of niche fame of the opposer’s mark. The Board understood that “the purchasing process is so attenuated and lengthy for both products that there is time for all involved to understand clearly and completely the vendors with whom they are dealing.” The Board was cognizant that when “analyzing the channels of trade and classes of consumers, we must keep in mind that although the two parties conduct business not only in the same fields but also with some of the same companies, the mere purchase of goods and services of both parties by the same institution does not, by itself, establish similarity of trade channels or overlap of customers.” Rather, the Board emphasized that “likelihood of confusion must be shown to exist not in a purchasing institution, but in a customer or purchaser.”

In the present case, the Examining Attorney has cited marks covering a variety of medical goods, although distinguishable; namely, a hip device, a chest device, and a head device. Even within a hospital setting, as in the *Edwards Lifesciences* case, this variety of medical goods would be encountered by different, sophisticated consumers with specialized experience in executing purchasing orders for medical goods. Furthermore, such consumers would be required to conduct regimented due diligence and exercise a high degree of caution and care under strict rules, guidelines, and procedures for initiating, reviewing, and undertaking such purchasing orders. As such, there would not be a likelihood of confusion in these settings.

B. The Board continues to apply a similar rationale for finding no likelihood of confusion, even for identical marks, based on the sophistication of consumers and distinguishable goods.

In a more recent decision in an *ex parte* appeal, the Board again found no likelihood of confusion based on the sophistication of consumers for distinguishable goods, even for identical marks. See *In re Soletanche Freyssinet*, Ser. No. 79194724 (July 16, 2019). The identical marks at-issue in that matter were for the term CMC for "Non-metallic underground columns for land stabilization and reinforcement that are fabricated and installed on site" versus a "full line of metals in sheet, rod, bar, angle, round, beam, castellated beam, cellular beam, flat beam, joist, strip, tube, plate, billet, square, and wire form" and “retail store services and distributorships featuring ... construction products, and accessories." The Board understood that the relevant consumers “would be expected to exercise significant care” in selecting the products. In closing, the Board noted and cited the conclusion in another matter, *In re Massey-Ferguson Inc.*, 22 USPQ 367 (TTAB 1983), as “worth repeating”:

We are not concerned with mere theoretical possibilities of confusion, deception or mistake or with de minimis situations but with the practicalities of the commercial world, with which the trademark laws deal.

III. Conclusion

Applicant respectfully contends that its mark is registrable and requests that the present application be allowed to proceed to publication for opposition.

EXHIBIT A

Generated on: This page was generated by TSDR on 2019-09-24 13:49:29 EDT

Mark: SERPENT TALON LONG CANNULATED SYSTEM



US Serial Number: 85374324

Application Filing Date: Jul. 18, 2011

US Registration Number: 4118099

Registration Date: Mar. 27, 2012

Register: Principal

Mark Type: Trademark

TM5 Common Status Descriptor:



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

Status: A Sections 8 and 15 combined declaration has been accepted and acknowledged.

Status Date: Jun. 30, 2018

Publication Date: Jan. 10, 2012

Mark Information

Mark Literal Elements: SERPENT TALON LONG CANNULATED SYSTEM

Standard Character Claim: No

Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

Description of Mark: The mark consists of the word "SERPENT", a sea dragon, water ripples, a talon claw with screw threads at the tip, and the wording "TALON LONG CANNULATED SYSTEM".

Color(s) Claimed: Color is not claimed as a feature of the mark.

Disclaimer: "LONG CANNULATED SYSTEM"

Design Search Code(s): 03.17.03 - Claws; Feet, bird; Parts of birds: claws, talons, feet, foot tracks; Talons; Tracks, bird
04.05.01 - Dragons; Griffons
06.03.03 - Ocean; Ripples (multiple waves); Waves, open sea (multiple waves)

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((..)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Surgical implants comprising artificial material and instruments for use in spinal surgery, namely, a minimally invasive pedicle screw system for spinal fixation

International Class(es): 010 - Primary Class

U.S Class(es): 026, 039, 044

Class Status: ACTIVE

Basis: 1(a)

First Use: Jul. 2009

Use in Commerce: Jul. 2009

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Filed ITU: No

Currently ITU: No

Filed 44D: No

Currently 44E: No

Filed 44E: No

Currently 66A: No

Filed 66A: No

Currently No Basis: No

Filed No Basis: No

Current Owner(s) Information

Owner Name: OMNI ACQUISITION INC.

Owner Address: 1755 WEST OAK PARKWAY
MARIETTA, GEORGIA UNITED STATES 30062

Legal Entity Type: CORPORATION

State or Country: GEORGIA
Where Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Yang Pak

Attorney Primary Email Address: patents@spinaelements.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Yang Pak
Spinal Elements, Inc.
3115 Melrose Drive, Suite 200
Carlsbad, CALIFORNIA UNITED STATES 92010

Phone: 760-607-1545

Fax: 760-607-0125

Correspondent e-mail: patents@spinaelements.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jun. 30, 2018	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Jun. 30, 2018	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	74886
Jun. 29, 2018	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	74886
Jun. 19, 2018	TEAS SECTION 8 & 15 RECEIVED	
Mar. 27, 2017	COURTESY REMINDER - SEC. 8 (6-YR) E-MAILED	
May 04, 2016	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Sep. 24, 2014	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Sep. 17, 2014	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Apr. 16, 2014	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Mar. 27, 2012	REGISTERED-PRINCIPAL REGISTER	
Mar. 21, 2012	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Jan. 10, 2012	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jan. 10, 2012	PUBLISHED FOR OPPOSITION	
Dec. 21, 2011	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Dec. 05, 2011	LAW OFFICE PUBLICATION REVIEW COMPLETED	68171
Dec. 05, 2011	ASSIGNED TO LIE	68171
Nov. 09, 2011	APPROVED FOR PUB - PRINCIPAL REGISTER	
Nov. 09, 2011	EXAMINER'S AMENDMENT ENTERED	88888
Nov. 09, 2011	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Nov. 09, 2011	EXAMINERS AMENDMENT E-MAILED	6328
Nov. 09, 2011	EXAMINERS AMENDMENT -WRITTEN	68788
Nov. 09, 2011	PREVIOUS ALLOWANCE COUNT WITHDRAWN	
Nov. 08, 2011	APPROVED FOR PUB - PRINCIPAL REGISTER	
Nov. 08, 2011	EXAMINER'S AMENDMENT ENTERED	88888
Nov. 08, 2011	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Nov. 08, 2011	EXAMINERS AMENDMENT E-MAILED	6328

Nov. 08, 2011 EXAMINERS AMENDMENT -WRITTEN
Nov. 07, 2011 ASSIGNED TO EXAMINER
Jul. 22, 2011 NOTICE OF DESIGN SEARCH CODE MAILED
Jul. 21, 2011 NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM
Jul. 21, 2011 NEW APPLICATION ENTERED IN TRAM

68788
68788

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: TMEG LAW OFFICE 107

Date in Location: Jun. 30, 2018

Assignment Abstract Of Title Information

Summary

Total Assignments: 9

Registrant: Omni Surgical, LLC

Assignment 1 of 9

Conveyance: NOTICE OF PLEDGE OF PATENTS, TRADEMARKS AND APPLICATIONS FOR SAME

Reel/Frame: [4737/0074](#)

Pages: 4

Date Recorded: Mar. 15, 2012

Supporting Documents: [assignment-tm-4737-0074.pdf](#)

Assignor

Name: [OMNI SURGICAL, LLC](#)

Execution Date: Mar. 07, 2012

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: TEXAS

Assignee

Name: [JPMORGAN CHASE BANK, N.A.](#)

Legal Entity Type: A NATIONAL BANKING ASSOCIATION

State or Country Where Organized: UNITED STATES

Address: 221 WEST 6TH STREET
AUSTIN, TEXAS 78701

Correspondent

Correspondent Name: COTI HEUSMANN

Correspondent Address: 700 LAVACA STREET
SUITE 1300
AUSTIN, TX 78701

Domestic Representative - Not Found

Assignment 2 of 9

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: [5257/0193](#)

Pages: 6

Date Recorded: Apr. 09, 2014

Supporting Documents: [assignment-tm-5257-0193.pdf](#)

Assignor

Name: [OMNI SURGICAL, LLC](#)

Execution Date: Mar. 31, 2014

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: TEXAS

Assignee

Name: [OMNI ACQUISITION INC.](#)

Legal Entity Type: CORPORATION

State or Country Where Organized: GEORGIA

Address: 1755 WEST OAK PARKWAY
MARIETTA, GEORGIA 30062

Correspondent

Correspondent Name: DAVID L. KING

Correspondent Address: 5131 NE CR 340
HIGH SPRINGS, FL 32643

Domestic Representative - Not Found

Assignment 3 of 9

Conveyance: SECURITY INTEREST

Reel/Frame: [5342/0799](#)

Pages: 9

Date Recorded: Aug. 13, 2014

Supporting Documents: [assignment-tm-5342-0799.pdf](#)

Assignor

Name: [OMNI ACQUISITION INC.](#)

Execution Date: Apr. 04, 2014

Legal Entity Type: CORPORATION

State or Country Where Organized: GEORGIA

Assignee

Name: [JPMORGAN CHASE BANK, N.A.](#)

Legal Entity Type: NATIONAL BANKING ASSOCIATION

State or Country Where Organized: UNITED STATES

Address: 221 WEST 6TH STREET
2ND FLOOR
AUSTIN, TEXAS 78701

Correspondent

Correspondent Name: LOCKE LORD LLP

Correspondent Address: 600 TRAVIS
SUITE 2800
HOUSTON, TX 77002-3095

Domestic Representative - Not Found

Assignment 4 of 9

Conveyance: TRADEMARK SECURITY AGREEMENT

Reel/Frame: [5358/0990](#)

Pages: 7

Date Recorded: Sep. 09, 2014

Supporting Documents: [assignment-tm-5358-0990.pdf](#)

Assignor

Name: [AMENDIA, INC.](#)

Execution Date: Sep. 05, 2014

Legal Entity Type: CORPORATION

State or Country Where Organized: GEORGIA

Name: [OMNI ACQUISITION INC.](#)

Execution Date: Sep. 05, 2014

Legal Entity Type: CORPORATION

State or Country Where Organized: GEORGIA

Assignee

Name: [SILICON VALLEY BANK, AS ADMINISTRATIVE AGENT](#)

Legal Entity Type: CORPORATION

State or Country Where Organized: CALIFORNIA

Address: 3353 PEACHTREE ROAD N.E., NORTH TOWER
SUITE M-10
ATLANTA, GEORGIA 30326

Correspondent

Correspondent Name: JOANNA MCCALL

Correspondent Address: 1025 VERMONT AVE NW, SUITE 1130
NATIONAL CORPORATE RESEARCH, LTD.
WASHINGTON, DC 20005

Domestic Representative - Not Found

Assignment 5 of 9

Conveyance: RELEASE OF SECURITY INTEREST

Reel/Frame: [5365/0494](#)

Pages: 7

Date Recorded: Sep. 18, 2014

Supporting Documents: [assignment-tm-5365-0494.pdf](#)

Assignor

Name: [JPMORGAN CHASE BANK, N.A.](#)

Execution Date: Sep. 08, 2014

Legal Entity Type: NATIONAL BANKING ASSOCIATION

State or Country Where Organized: No Place Where Organized Found

Assignee

Name: [OMNI ACQUISITION, INC.](#)

Legal Entity Type: CORPORATION

State or Country Where Organized: GEORGIA

Address: 1755 WEST OAK PARKWAY
MARIETTA, GEORGIA 30062

Correspondent

Correspondent Name: LOCKE LORD LLP

Correspondent Address: 600 TRAVIS
SUITE 2800
HOUSTON, TX 77002-3095

Domestic Representative - Not Found

Assignment 6 of 9

Conveyance: RELEASE OF SECURITY INTEREST

Reel/Frame: [5776/0179](#)

Pages: 5

Date Recorded: Apr. 22, 2016

Supporting Documents: [assignment-tm-5776-0179.pdf](#)

Assignor

Name: [JPMORGAN CHASE BANK, N.A.](#)

Execution Date: Apr. 21, 2016

Legal Entity Type: NATIONAL BANKING ASSOCIATION

State or Country Where Organized: UNITED STATES

Assignee

Name: [OMNI SURGICAL, LLC](#)

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: TEXAS

Address: 5000 PLAZA ON THE LAKE, SUITE 305
AUSTIN, TEXAS 78746

Correspondent

Correspondent Name: DANIEL H. LEE, ROPES & GRAY LLP

Correspondent Address: 1211 AVENUE OF THE AMERICAS
NEW YORK, NY 10036

Domestic Representative - Not Found

Assignment 7 of 9

Conveyance: RELEASE BY SECURED PARTY

Reel/Frame: [5781/0332](#)

Pages: 7

Date Recorded: Apr. 29, 2016

Supporting Documents: [assignment-tm-5781-0332.pdf](#)

Assignor

Name: [SILICON VALLEY BANK, AS ADMINISTRATIVE AGENT](#)

Execution Date: Apr. 29, 2016

Legal Entity Type: CORPORATION

State or Country Where Organized: CALIFORNIA

Assignee

Name: [AMENDIA, INC.](#)

Legal Entity Type: CORPORATION

State or Country Where Organized: GEORGIA

Address: 1755 WEST OAK PARKWAY
MARIETTA, GEORGIA 30062

Name: [OMNI ACQUISITION INC.](#)

Legal Entity Type: CORPORATION

State or Country Where Organized: GEORGIA

Address: 1755 WEST OAK PARKWAY
MARIETTA, GEORGIA 30062

Correspondent

Correspondent Name: DANIEL H. LEE, ROPES & GRAY LLP

Correspondent Address: 1211 AVENUE OF THE AMERICAS
NEW YORK, NY 10036

Domestic Representative - Not Found

Assignment 8 of 9

Conveyance: SECURITY INTEREST

Reel/Frame: [5781/0435](#)

Pages: 7

Date Recorded: Apr. 29, 2016

Supporting Documents: [assignment-tm-5781-0435.pdf](#)

Assignor

Name: [OMNI ACQUISITION INC.](#)

Execution Date: Apr. 29, 2016

Legal Entity Type: CORPORATION

State or Country Where Organized: GEORGIA

Assignee

Name: [ANTARES CAPITAL LP, AS AGENT](#)

Legal Entity Type: LIMITED PARTNERSHIP

State or Country Where Organized: DELAWARE

Address: 500 WEST MONROE STREET
CHICAGO, ILLINOIS 60661

Correspondent

Correspondent Name: HUMBERTO AQUINO C/O KATTEN MUCHIN

Correspondent Address: 525 WEST MONROE STREET
CHICAGO, IL 60661

Domestic Representative - Not Found

Assignment 9 of 9

Conveyance: SECURITY INTEREST

Reel/Frame: [5786/0229](#)

Pages: 7

Date Recorded: May 04, 2016

Supporting Documents: [assignment-tm-5786-0229.pdf](#)

Assignor

Name: [OMNI ACQUISITION INC.](#)

Execution Date: Apr. 29, 2016

Legal Entity Type: CORPORATION

State or Country Where Organized: GEORGIA

Assignee

Name: [CORTLAND CAPITAL MARKET SERVICES LLC, AS AGENT](#)

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country DELAWARE
Where Organized:

Address: 225 WEST WASHINGTON STREET
21ST FLOOR
CHICAGO, ILLINOIS 60606

Correspondent

Correspondent Name: REBECCA FLOREN

Correspondent Address: 233 S. WACKER DRIVE
SUITE 6600
CHICAGO, IL 60606

Domestic Representative - Not Found

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Mark: TALON

TALON

US Serial Number: 78010629

Application Filing Date: May 31, 2000

US Registration Number: 2861177

Registration Date: Jul. 06, 2004

Register: Principal

Mark Type: Trademark

TM5 Common Status Descriptor:



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

Status: The registration has been renewed.

Status Date: Sep. 30, 2013

Publication Date: May 27, 2003

Notice of Allowance Date: Aug. 19, 2003

Mark Information

Mark Literal Elements: TALON

Standard Character Claim: No

Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Medical devices namely, an orthopedic product in the nature of a fixation system comprised of a compression hip screw used to repair skeletal fractures

International Class(es): 010 - Primary Class

U.S Class(es): 026, 039, 044

Class Status: ACTIVE

Basis: 1(a)

First Use: Feb. 11, 1999

Use in Commerce: Dec. 16, 1999

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Filed ITU: Yes

Currently ITU: No

Filed 44D: No

Currently 44E: No

Filed 44E: No

Currently 66A: No

Filed 66A: No

Currently No Basis: No

Filed No Basis: No

Current Owner(s) Information

Owner Name: ORTHOPEDIC DESIGNS NORTH AMERICA, INC.

Owner Address: 5912 BRECKENRIDGE PARKWAY
SUITE F
TAMPA, FLORIDA UNITED STATES 33610

Legal Entity Type: CORPORATION

State or Country FLORIDA
Where Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Nathan P. Suedmeyer

Docket Number: 3124.13

Attorney Primary Email Address: tmocket@larsonpatentlaw.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Nathan P. Suedmeyer
Larson & Larson, P.A.
11199 69th Street N.
Largo, FLORIDA UNITED STATES 33773

Phone: 727-546-0660

Fax: 561-625-6572

Correspondent e-mail: tmocket@larsonpatentlaw.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Sep. 30, 2013	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Sep. 30, 2013	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	70131
Sep. 30, 2013	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	70131
Sep. 27, 2013	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	70131
Sep. 30, 2013	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	70131
Sep. 27, 2013	TEAS SECTION 8 & 9 RECEIVED	
Jun. 08, 2011	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Nov. 02, 2009	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	67723
Nov. 02, 2009	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	67723
Oct. 21, 2009	TEAS SECTION 8 & 15 RECEIVED	
Oct. 16, 2006	REVIEW OF CORRESPONDENCE COMPLETE	59315
Mar. 13, 2006	PAPER RECEIVED	
Jul. 06, 2004	REGISTERED-PRINCIPAL REGISTER	
Jun. 28, 2004	PAPER RECEIVED	
Jun. 14, 2004	PAPER RECEIVED	
May 01, 2004	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Feb. 25, 2004	ASSIGNED TO EXAMINER	73289
Feb. 24, 2004	CASE FILE IN TICRS	
Feb. 17, 2004	STATEMENT OF USE PROCESSING COMPLETE	
Dec. 16, 2003	USE AMENDMENT FILED	
Dec. 16, 2003	PAPER RECEIVED	
Aug. 19, 2003	NOA MAILED - SOU REQUIRED FROM APPLICANT	
May 27, 2003	PUBLISHED FOR OPPOSITION	
May 07, 2003	NOTICE OF PUBLICATION	
Apr. 07, 2003	APPROVED FOR PUB - PRINCIPAL REGISTER	
Feb. 19, 2003	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Feb. 19, 2003	PAPER RECEIVED	
Jan. 22, 2003	NON-FINAL ACTION MAILED	
Feb. 28, 2001	LETTER OF SUSPENSION MAILED	
Oct. 20, 2000	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Oct. 10, 2000	NON-FINAL ACTION MAILED	
Oct. 09, 2000	ASSIGNED TO EXAMINER	73289

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Sep. 30, 2013

Assignment Abstract Of Title Information

Summary

Total Assignments: 1

Registrant: Orthopedic Designs, Inc.

Assignment 1 of 1

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: [4555/0291](#)

Pages: 3

Date Recorded: Jun. 06, 2011

Supporting Documents: [assignment-tm-4555-0291.pdf](#)

Assignor

Name: [ORTHOPEDIC DESIGNS, INC.](#)

Execution Date: May 17, 2011

Legal Entity Type: CORPORATION

State or Country Where Organized: No Place Where Organized Found

Assignee

Name: [ORTHOPEDIC DESIGNS NORTH AMERICA, INC.](#)

Legal Entity Type: CORPORATION

State or Country Where Organized: FLORIDA

Address: 5912 BRECKENRIDGE PARKWAY
SUITE F
TAMPA, FLORIDA 33610

Correspondent

Correspondent Name: JUSTIN P. MILLER

Correspondent Address: 11199 69TH STREET NORTH
LARGO, FLORIDA 33773

Domestic Representative - Not Found

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Mark: STERNAL TALON

STERNAL TALON

US Serial Number: 76487292

Application Filing Date: Jan. 31, 2003

US Registration Number: 3268707

Registration Date: Jul. 24, 2007

Register: Principal

Mark Type: Trademark

TM5 Common Status Descriptor:



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

Status: The registration has been renewed.

Status Date: Oct. 07, 2016

Publication Date: May 25, 2004

Notice of Allowance Date: Aug. 17, 2004

Mark Information

Mark Literal Elements: STERNAL TALON

Standard Character Claim: No

Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

Disclaimer: STERNAL

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (..) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *.* identify additional (new) wording in the goods/services.

For: Medical apparatus, namely, a chest closure device used in surgery

International Class(es): 010 - Primary Class

U.S Class(es): 026, 039, 044

Class Status: ACTIVE

Basis: 1(a)

First Use: Dec. 22, 2006

Use in Commerce: Dec. 22, 2006

Basis Information (Case Level)

Filed Use: No

Currently Use: Yes

Filed ITU: Yes

Currently ITU: No

Filed 44D: No

Currently 44E: No

Filed 44E: No

Currently 66A: No

Filed 66A: No

Currently No Basis: No

Filed No Basis: No

Current Owner(s) Information

Owner Name: KLS-Martin L.P.
Composed of: KLS-Martin, Inc. (Delaware)
Owner Address: P.O. Box 50249
Jacksonville, FLORIDA UNITED STATES 32250
Legal Entity Type: PARTNERSHIP

State or Country DELAWARE
Where Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Thomas C. Saitta
Attorney Primary Email Address: tsaitta@rtlaw.com
Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Thomas C. Saitta
Driver McAfee Peek & Hawthorne, P.L.
One Independent Dr.
Suite 1200
JACKSONVILLE, FLORIDA UNITED STATES 32202
Phone: 904-807-8209
Fax: 904-301-1279
Correspondent e-mail: tsaitta@dmpflaw.com ipdocket@dmpflaw.com
Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Oct. 07, 2016	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Oct. 07, 2016	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	76985
Oct. 07, 2016	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	76985
Oct. 07, 2016	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	76985
Jul. 25, 2016	TEAS SECTION 8 & 9 RECEIVED	
Jul. 24, 2016	COURTESY REMINDER - SEC. 8 (10-YR)/SEC. 9 E-MAILED	
Feb. 10, 2016	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jun. 01, 2013	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Jun. 01, 2013	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	76293
Jun. 01, 2013	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	76293
May 13, 2013	TEAS SECTION 8 & 15 RECEIVED	
Jul. 24, 2007	REGISTERED-PRINCIPAL REGISTER	
May 08, 2007	LAW OFFICE REGISTRATION REVIEW COMPLETED	78413
May 07, 2007	ASSIGNED TO LIE	78413
Apr. 18, 2007	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Mar. 31, 2007	STATEMENT OF USE PROCESSING COMPLETE	71427
Jan. 12, 2007	USE AMENDMENT FILED	71427
Jan. 12, 2007	TEAS STATEMENT OF USE RECEIVED	
Jul. 27, 2006	EXTENSION 4 GRANTED	98765
Jul. 27, 2006	EXTENSION 4 FILED	98765
Jul. 27, 2006	TEAS EXTENSION RECEIVED	
Feb. 09, 2006	EXTENSION 3 GRANTED	98765
Feb. 09, 2006	EXTENSION 3 FILED	98765
Feb. 09, 2006	TEAS EXTENSION RECEIVED	
Aug. 15, 2005	EXTENSION 2 GRANTED	98765
Aug. 15, 2005	EXTENSION 2 FILED	98765
Aug. 15, 2005	TEAS EXTENSION RECEIVED	
Feb. 28, 2005	EXTENSION 1 GRANTED	69302
Feb. 09, 2005	EXTENSION 1 FILED	69302
Feb. 09, 2005	TEAS EXTENSION RECEIVED	

Aug. 17, 2004 NOA MAILED - SOU REQUIRED FROM APPLICANT
May 25, 2004 PUBLISHED FOR OPPOSITION
May 05, 2004 NOTICE OF PUBLICATION
Mar. 01, 2004 APPROVED FOR PUB - PRINCIPAL REGISTER
Feb. 02, 2004 CORRESPONDENCE RECEIVED IN LAW OFFICE
Feb. 02, 2004 PAPER RECEIVED
Jul. 30, 2003 NON-FINAL ACTION E-MAILED
Jul. 21, 2003 ASSIGNED TO EXAMINER

67516

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Oct. 07, 2016

Assignment Abstract Of Title Information

Summary

Total Assignments: 1

Registrant: KLS-Martin L.P.

Assignment 1 of 1

Conveyance: SECURITY INTEREST

Reel/Frame: [3455/0982](#)

Pages: 4

Date Recorded: Jan. 05, 2007

Supporting Documents: [assignment-tm-3455-0982.pdf](#)

Assignor

Name: [KLS-MARTIN L.P.](#)

Execution Date: Jan. 04, 2007

Legal Entity Type: LIMITED PARTNERSHIP

State or Country Where Organized: DELAWARE

Assignee

Name: [WACHOVIA BANK, NATIONAL ASSOCIATION](#)

Legal Entity Type: NATIONAL ASSOCIATION

State or Country Where Organized: UNITED STATES

Address: 171 17TH STREET, N.W.
MC GA-4524
ATLANTA, GEORGIA 30363

Correspondent

Correspondent Name: SIDNEY R. BROWN

Correspondent Address: 1420 PEACHTREE STREET, N.E.
SUITE 800
ATLANTA, GA 30309-3053

Domestic Representative - Not Found

Generated on: This page was generated by TSDR on 2019-09-24 13:50:01 EDT

Mark: TALON

US Serial Number: 75076304

Application Filing Date: Feb. 02, 1996

US Registration Number: 2035695

Registration Date: Feb. 04, 1997

Register: Principal

Mark Type: Trademark

TM5 Common Status Descriptor:



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

Status: The registration has been renewed.

Status Date: Sep. 12, 2017

Publication Date: Nov. 12, 1996

Mark Information

Mark Literal Elements: TALON

Standard Character Claim: No

Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((..)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: medical apparatus, namely, a head fixation device for immobilizing a patient's head during a medical procedure

International Class(es): 010 - Primary Class

U.S Class(es): 026, 039, 044

Class Status: ACTIVE

Basis: 1(a)

First Use: Aug. 21, 1995

Use in Commerce: Aug. 21, 1995

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Filed ITU: No

Currently ITU: No

Filed 44D: No

Currently 44E: No

Filed 44E: No

Currently 66A: No

Filed 66A: No

Currently No Basis: No

Filed No Basis: No

Current Owner(s) Information

Owner Name: BEST MEDICAL INTERNATIONAL, INC.

Owner Address: 7643 FULLERTON ROAD
SPRINGFIELD, VIRGINIA UNITED STATES 22153

Legal Entity Type: INCORPORATED ASSOCIATION

State or Country VIRGINIA
Where Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: JanPaul Guzman

Attorney Primary patents@teambest.com
Email Address:

Attorney Email Yes
Authorized:

Correspondent

Correspondent JanPaul Guzman
Name/Address: 7643 Fullerton Road
Legal Department
Springfield, VIRGINIA UNITED STATES 22153

Phone: 703-451-2378

Fax: 703-451-8421

Correspondent e- patents@teambest.com
mail:

Correspondent e- Yes
mail Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Mar. 06, 2018	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Mar. 06, 2018	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Nov. 29, 2017	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Sep. 12, 2017	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Sep. 12, 2017	REGISTERED AND RENEWED (SECOND RENEWAL - 10 YRS)	68335
Sep. 12, 2017	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	68335
Sep. 12, 2017	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	68335
Aug. 03, 2017	TEAS SECTION 8 & 9 RECEIVED	
Feb. 04, 2016	COURTESY REMINDER - SEC. 8 (10-YR)/SEC. 9 E-MAILED	
Nov. 25, 2015	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Jan. 30, 2012	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jan. 30, 2012	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jan. 22, 2010	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Jan. 22, 2010	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Nov. 07, 2007	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Sep. 25, 2007	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Sep. 25, 2007	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Aug. 31, 2007	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	61619
Aug. 31, 2007	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Aug. 22, 2007	ASSIGNED TO PARALEGAL	61619
Aug. 02, 2007	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
Aug. 02, 2007	TEAS SECTION 8 & 9 RECEIVED	
Dec. 22, 2006	CASE FILE IN TICRS	
Feb. 13, 2004	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	
Sep. 22, 2003	RESPONSE RECEIVED TO POST REG. ACTION - SEC. 8 & 15	
Jun. 27, 2003	POST REGISTRATION ACTION MAILED - SEC. 8 & 15	
Feb. 07, 2003	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Feb. 07, 2003	PAPER RECEIVED	
Feb. 04, 1997	REGISTERED-PRINCIPAL REGISTER	

Nov. 12, 1996 PUBLISHED FOR OPPOSITION
Oct. 11, 1996 NOTICE OF PUBLICATION
Sep. 04, 1996 APPROVED FOR PUB - PRINCIPAL REGISTER
Aug. 27, 1996 ASSIGNED TO EXAMINER

72618

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Sep. 12, 2017

Assignment Abstract Of Title Information

Summary

Total Assignments: 5

Registrant: Nomos Corporation

Assignment 1 of 5

Conveyance: SECURITY INTEREST

Reel/Frame: [4773/0271](#)

Pages: 9

Date Recorded: May 04, 2012

Supporting Documents: [assignment-tm-4773-0271.pdf](#)

Assignor

Name: [BEST MEDICAL INTERNATIONAL, INC.](#)

Execution Date: Oct. 29, 2004

Legal Entity Type: CORPORATION

State or Country Where Organized: No Place Where Organized Found

Assignee

Name: [WACHOVIA BANK, NATIONAL ASSOCIATION](#)

Legal Entity Type: NATIONAL BANKING ASSOCIATION

State or Country Where Organized: VIRGINIA

Address: 201 S. JEFFERSON STREET
ROANOKE, VIRGINIA 24011

Correspondent

Correspondent Name: SAFET METJAHIC

Correspondent Address: 1750 TYSONS BLVD
SUITE 1800
TYSONS CORNER, VA 22102

Domestic Representative - Not Found

Assignment 2 of 5

Conveyance: SECURITY INTEREST

Reel/Frame: [3277/0587](#)

Pages: 5

Date Recorded: Mar. 28, 2006

Supporting Documents: [assignment-tm-3277-0587.pdf](#)

Assignor

Name: [NOMOS CORPORATION](#)

Execution Date: Mar. 28, 2006

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Assignee

Name: [PARTNERS FOR GROWTH II, L.P.](#)

Legal Entity Type: LIMITED PARTNERSHIP

State or Country Where Organized: DELAWARE

Address: 180 PACIFIC AVENUE
SAN FRANCISCO, CALIFORNIA 94111

Correspondent

Correspondent Name: BEN GREENSPAN
Correspondent Address: 620 LAGUNA ROAD
MILL VALLEY, CA 94941

Domestic Representative - Not Found

Assignment 3 of 5

Conveyance: ASSIGNS THE ENTIRE INTEREST
Reel/Frame: [3653/0763](#) **Pages:** 6
Date Recorded: Nov. 02, 2007
Supporting Documents: [assignment-tm-3653-0763.pdf](#)

Assignor

Name: [NOMOS CORPORATION](#) **Execution Date:** Sep. 17, 2007
Legal Entity Type: CORPORATION **State or Country Where Organized:** PENNSYLVANIA

Assignee

Name: [BEST MEDICAL INTERNATIONAL, INC.](#) **State or Country Where Organized:** VIRGINIA
Legal Entity Type: INC. ASSOCIATION
Address: 7643 FULLERTON ROAD
SPRINGFIELD, VIRGINIA 22153

Correspondent

Correspondent Name: DENVER S. BISIGNANO
Correspondent Address: P.O. BOX 61389
HOUSTON, TX 77208-1389

Domestic Representative - Not Found

Assignment 4 of 5

Conveyance: CORRECTIVE ASSIGNMENT TO CORRECT THE ENTITY TYPE PREVIOUSLY RECORDED ON REEL 003653 FRAME 0763. ASSIGNOR(S) HEREBY CONFIRMS THE ASSIGNMENT.
Reel/Frame: [6189/0726](#) **Pages:** 8
Date Recorded: Oct. 25, 2017
Supporting Documents: [assignment-tm-6189-0726.pdf](#)

Assignor

Name: [NOMOS CORPORATION](#) **Execution Date:** Sep. 17, 2007
Legal Entity Type: CORPORATION **State or Country Where Organized:** DELAWARE

Assignee

Name: [BEST MEDICAL INTERNATIONAL, INC.](#) **State or Country Where Organized:** VIRGINIA
Legal Entity Type: CORPORATION
Address: 7643 FULLERTON ROAD
SPRINGFIELD, VIRGINIA 22153

Correspondent

Correspondent Name: BEST MEDICAL INTERNATIONAL, INC.
Correspondent Address: 7643 FULLERTON ROAD
SPRINGFIELD, VA 22153

Domestic Representative - Not Found

Assignment 5 of 5

Conveyance: RELEASE OF SECURITY INTEREST
Reel/Frame: [5665/0868](#) **Pages:** 8
Date Recorded: Nov. 10, 2015

Supporting Documents: [assignment-tm-5665-0868.pdf](#)

Assignor

Name: [WELLS FARGO BANK, N.A.](#) **Execution Date:** Oct. 26, 2015
Legal Entity Type: COMPANY **State or Country Where Organized:** No Place Where Organized Found

Assignee

Name: [BEST MEDICAL INTERNATIONAL, INC.](#) **State or Country Where Organized:** VIRGINIA
Legal Entity Type: CORPORATION
Address: 7643 FULLERTON ROAD
SPRINGFIELD, VIRGINIA 22153

Correspondent

Correspondent Name: BEST MEDICAL INTERNATIONAL, INC.
Correspondent Address: 7643 FULLERTON ROAD
SPRINGFIELD, VA 22153

Domestic Representative - Not Found

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Mark: TALON

TALON

US Serial Number: 77832998

Application Filing Date: Sep. 23, 2009

US Registration Number: 3842941

Registration Date: Aug. 31, 2010

Register: Principal

Mark Type: Trademark

TM5 Common Status Descriptor:



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

Status: A Sections 8 and 15 combined declaration has been accepted and acknowledged.

Status Date: May 28, 2016

Publication Date: Feb. 16, 2010

Notice of Allowance Date: May 11, 2010

Mark Information

Mark Literal Elements: TALON

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *.* identify additional (new) wording in the goods/services.

For: Medical devices, namely, endoscopic tool for tissue and foreign body retrieval

International Class(es): 010 - Primary Class

U.S Class(es): 026, 039, 044

Class Status: ACTIVE

Basis: 1(a)

First Use: Dec. 21, 2009

Use in Commerce: Dec. 21, 2009

Basis Information (Case Level)

Filed Use: No

Currently Use: Yes

Filed ITU: Yes

Currently ITU: No

Filed 44D: No

Currently 44E: No

Filed 44E: No

Currently 66A: No

Filed 66A: No

Currently No Basis: No

Filed No Basis: No

Current Owner(s) Information

Owner Name: U.S. Endoscopy Group, Inc.

Owner Address: 5976 Heisley Road
Mentor, OHIO UNITED STATES 44060

Legal Entity Type: CORPORATION

State or Country: OHIO
Where Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Mark Kusner
Attorney Primary Email Address: mkusner@kusnerjaffe.com
Docket Number: ST10574US
Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Mark Kusner
KUSNER & JAFFE
6150 Parkland Boulevard, Suite 105
Paragon Center II
Mayfield Heights, OHIO UNITED STATES 44124
Phone: (440) 684-1090
Correspondent e-mail: mkusner@kusnerjaffe.com
Fax: (440) 684-1095
Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Aug. 31, 2019	COURTESY REMINDER - SEC. 8 (10-YR)/SEC. 9 E-MAILED	
May 28, 2016	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
May 28, 2016	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	71378
May 28, 2016	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	71378
Mar. 18, 2016	TEAS SECTION 8 & 15 RECEIVED	
Aug. 31, 2015	COURTESY REMINDER - SEC. 8 (6-YR) E-MAILED	
Aug. 28, 2013	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Aug. 28, 2013	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Mar. 13, 2012	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Aug. 31, 2010	REGISTERED-PRINCIPAL REGISTER	
Jul. 27, 2010	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Jul. 26, 2010	LAW OFFICE REGISTRATION REVIEW COMPLETED	70997
Jul. 21, 2010	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Jul. 21, 2010	STATEMENT OF USE PROCESSING COMPLETE	76538
Jun. 30, 2010	USE AMENDMENT FILED	76538
Jul. 21, 2010	CASE ASSIGNED TO INTENT TO USE PARALEGAL	76538
Jun. 30, 2010	TEAS STATEMENT OF USE RECEIVED	
May 11, 2010	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Feb. 16, 2010	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Feb. 16, 2010	PUBLISHED FOR OPPOSITION	
Jan. 11, 2010	LAW OFFICE PUBLICATION REVIEW COMPLETED	70997
Jan. 11, 2010	ASSIGNED TO LIE	70997
Dec. 20, 2009	APPROVED FOR PUB - PRINCIPAL REGISTER	
Dec. 20, 2009	ASSIGNED TO EXAMINER	81856
Sep. 28, 2009	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Sep. 26, 2009	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: TMEG LAW OFFICE 103

Date in Location: May 28, 2016

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Mark: TALON SYSTEM



US Serial Number: 85374298

Application Filing Date: Jul. 18, 2011

US Registration Number: 4118098

Registration Date: Mar. 27, 2012

Register: Principal

Mark Type: Trademark

TM5 Common Status Descriptor:



DEAD/REGISTRATION/Cancelled/Invalidated

The trademark application was registered, but subsequently it was cancelled or invalidated and removed from the registry.

Status: Registration cancelled because registrant did not file an acceptable declaration under Section 8. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

Status Date: Nov. 02, 2018

Publication Date: Jan. 10, 2012

Date Cancelled: Nov. 02, 2018

Mark Information

Mark Literal Elements: TALON SYSTEM

Standard Character Claim: No

Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

Description of Mark: The mark consists of a talon claw with screw threads at the tip and the wording "TALON SYSTEM".

Color(s) Claimed: Color is not claimed as a feature of the mark.

Disclaimer: "SYSTEM"

Design Search Code(s): 03.17.03 - Claws; Feet, bird; Tracks, bird; Talons; Parts of birds: claws, talons, feet, foot tracks

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Surgical implants comprising artificial material and instruments for use in spinal surgery

International Class(es): 010 - Primary Class

U.S Class(es): 026, 039, 044

Class Status: SECTION 8 - CANCELLED

Basis: 1(a)

First Use: Aug. 2007

Use in Commerce: Aug. 2007

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Filed ITU: No

Currently ITU: No

Filed 44D: No

Currently 44E: No

Filed 44E: No

Currently 66A: No

Filed 66A: No

Currently No Basis: No

Filed No Basis: No

Current Owner(s) Information

Owner Name: OMNI ACQUISITION INC.

Owner Address: 1755 WEST OAK PARKWAY
MARIETTA, GEORGIA UNITED STATES 30062

Legal Entity Type: CORPORATION

State or Country Where Organized: GEORGIA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Travis D. Shahan

Docket Number: 10079.0004

Attorney Primary Email Address: tshahan@hhdulaw.com

Attorney Email Authorized: No

Correspondent

Correspondent Name/Address: TRAVIS D. SHAHAN
HIERSCHKE, HAYWARD, DRAKELEY & URBACH, P.C.
15303 DALLAS PKWY STE 700
ADDISON, TEXAS UNITED STATES 75001-4610

Phone: 972-701-7021

Correspondent e-mail: tshahan@hhdulaw.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Nov. 02, 2018	CANCELLED SEC. 8 (6-YR)	
Mar. 27, 2017	COURTESY REMINDER - SEC. 8 (6-YR) E-MAILED	
May 04, 2016	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Sep. 24, 2014	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Sep. 17, 2014	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Apr. 16, 2014	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Mar. 27, 2012	REGISTERED-PRINCIPAL REGISTER	
Mar. 21, 2012	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Jan. 10, 2012	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jan. 10, 2012	PUBLISHED FOR OPPOSITION	
Dec. 21, 2011	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Dec. 03, 2011	LAW OFFICE PUBLICATION REVIEW COMPLETED	66213
Dec. 03, 2011	ASSIGNED TO LIE	66213
Nov. 08, 2011	APPROVED FOR PUB - PRINCIPAL REGISTER	
Nov. 08, 2011	EXAMINER'S AMENDMENT ENTERED	88888
Nov. 08, 2011	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Nov. 08, 2011	EXAMINERS AMENDMENT E-MAILED	6328
Nov. 08, 2011	EXAMINERS AMENDMENT -WRITTEN	68788
Nov. 07, 2011	ASSIGNED TO EXAMINER	68788
Jul. 22, 2011	NOTICE OF DESIGN SEARCH CODE MAILED	
Jul. 21, 2011	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jul. 21, 2011	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Assignment Abstract Of Title Information

Summary

Total Assignments: 9

Registrant: Omni Surgical, LLC

Assignment 1 of 9

Conveyance: NOTICE OF PLEDGE OF PATENTS, TRADEMARKS AND APPLICATIONS FOR SAME

Reel/Frame: [4737/0074](#)

Pages: 4

Date Recorded: Mar. 15, 2012

Supporting Documents: [assignment-tm-4737-0074.pdf](#)

Assignor

Name: [OMNI SURGICAL, LLC](#)

Execution Date: Mar. 07, 2012

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country TEXAS
Where Organized:

Assignee

Name: [JPMORGAN CHASE BANK, N.A.](#)

Legal Entity Type: A NATIONAL BANKING ASSOCIATION

State or Country UNITED STATES
Where Organized:Address: 221 WEST 6TH STREET
AUSTIN, TEXAS 78701

Correspondent

Correspondent Name: COTI HEUSMANN

Correspondent Address: 700 LAVACA STREET
SUITE 1300
AUSTIN, TX 78701

Domestic Representative - Not Found

Assignment 2 of 9

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: [5257/0193](#)

Pages: 6

Date Recorded: Apr. 09, 2014

Supporting Documents: [assignment-tm-5257-0193.pdf](#)

Assignor

Name: [OMNI SURGICAL, LLC](#)

Execution Date: Mar. 31, 2014

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country TEXAS
Where Organized:

Assignee

Name: [OMNI ACQUISITION INC.](#)

Legal Entity Type: CORPORATION

State or Country GEORGIA
Where Organized:Address: 1755 WEST OAK PARKWAY
MARIETTA, GEORGIA 30062

Correspondent

Correspondent Name: DAVID L. KING

Correspondent Address: 5131 NE CR 340
HIGH SPRINGS, FL 32643

Domestic Representative - Not Found

Assignment 3 of 9

Conveyance: SECURITY INTEREST

Reel/Frame: [5342/0799](#)

Pages: 9

Date Recorded: Aug. 13, 2014

Supporting Documents: [assignment-tm-5342-0799.pdf](#)

Assignor

Name: [OMNI ACQUISITION INC.](#) Execution Date: Apr. 04, 2014
Legal Entity Type: CORPORATION State or Country: GEORGIA
Where Organized:

Assignee

Name: [JPMORGAN CHASE BANK, N.A.](#) State or Country: UNITED STATES
Legal Entity Type: NATIONAL BANKING ASSOCIATION Where Organized:
Address: 221 WEST 6TH STREET
2ND FLOOR
AUSTIN, TEXAS 78701

Correspondent

Correspondent Name: LOCKE LORD LLP
Correspondent Address: 600 TRAVIS
SUITE 2800
HOUSTON, TX 77002-3095

Domestic Representative - Not Found

Assignment 4 of 9

Conveyance: TRADEMARK SECURITY AGREEMENT
Reel/Frame: [5358/0990](#) Pages: 7
Date Recorded: Sep. 09, 2014
Supporting Documents: [assignment-tm-5358-0990.pdf](#)

Assignor

Name: [AMENDIA, INC.](#) Execution Date: Sep. 05, 2014
Legal Entity Type: CORPORATION State or Country: GEORGIA
Where Organized:

Name: [OMNI ACQUISITION INC.](#) Execution Date: Sep. 05, 2014
Legal Entity Type: CORPORATION State or Country: GEORGIA
Where Organized:

Assignee

Name: [SILICON VALLEY BANK, AS ADMINISTRATIVE AGENT](#) State or Country: CALIFORNIA
Legal Entity Type: CORPORATION Where Organized:
Address: 3353 PEACHTREE ROAD N.E., NORTH TOWER
SUITE M-10
ATLANTA, GEORGIA 30326

Correspondent

Correspondent Name: JOANNA MCCALL
Correspondent Address: 1025 VERMONT AVE NW, SUITE 1130
NATIONAL CORPORATE RESEARCH, LTD.
WASHINGTON, DC 20005

Domestic Representative - Not Found

Assignment 5 of 9

Conveyance: RELEASE OF SECURITY INTEREST
Reel/Frame: [5365/0494](#) Pages: 7
Date Recorded: Sep. 18, 2014
Supporting Documents: [assignment-tm-5365-0494.pdf](#)

Assignor

Name: [JPMORGAN CHASE BANK, N.A.](#)
Legal Entity Type: NATIONAL BANKING ASSOCIATION

Execution Date: Sep. 08, 2014
State or Country Where Organized: No Place Where Organized Found

Assignee

Name: [OMNI ACQUISITION, INC.](#)
Legal Entity Type: CORPORATION

State or Country Where Organized: GEORGIA

Address: 1755 WEST OAK PARKWAY
MARIETTA, GEORGIA 30062

Correspondent

Correspondent Name: LOCKE LORD LLP

Correspondent Address: 600 TRAVIS
SUITE 2800
HOUSTON, TX 77002-3095

Domestic Representative - Not Found

Assignment 6 of 9

Conveyance: RELEASE OF SECURITY INTEREST

Reel/Frame: [5776/0179](#)

Pages: 5

Date Recorded: Apr. 22, 2016

Supporting Documents: [assignment-tm-5776-0179.pdf](#)

Assignor

Name: [JPMORGAN CHASE BANK, N.A.](#)
Legal Entity Type: NATIONAL BANKING ASSOCIATION

Execution Date: Apr. 21, 2016
State or Country Where Organized: UNITED STATES

Assignee

Name: [OMNI SURGICAL, LLC](#)
Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: TEXAS

Address: 5000 PLAZA ON THE LAKE, SUITE 305
AUSTIN, TEXAS 78746

Correspondent

Correspondent Name: DANIEL H. LEE, ROPES & GRAY LLP

Correspondent Address: 1211 AVENUE OF THE AMERICAS
NEW YORK, NY 10036

Domestic Representative - Not Found

Assignment 7 of 9

Conveyance: RELEASE BY SECURED PARTY

Reel/Frame: [5781/0332](#)

Pages: 7

Date Recorded: Apr. 29, 2016

Supporting Documents: [assignment-tm-5781-0332.pdf](#)

Assignor

Name: [SILICON VALLEY BANK, AS ADMINISTRATIVE AGENT](#)
Legal Entity Type: CORPORATION

Execution Date: Apr. 29, 2016
State or Country Where Organized: CALIFORNIA

Assignee

Name: [AMENDIA, INC.](#)
Legal Entity Type: CORPORATION

State or Country Where Organized: GEORGIA

Address: 1755 WEST OAK PARKWAY
MARIETTA, GEORGIA 30062

Name: [OMNI ACQUISITION INC.](#)

Legal Entity Type: CORPORATION

State or Country GEORGIA
Where Organized:

Address: 1755 WEST OAK PARKWAY
MARIETTA, GEORGIA 30062

Correspondent

Correspondent Name: DANIEL H. LEE, ROPES & GRAY LLP

Correspondent Address: 1211 AVENUE OF THE AMERICAS
NEW YORK, NY 10036

Domestic Representative - Not Found

Assignment 8 of 9

Conveyance: SECURITY INTEREST

Reel/Frame: [5781/0435](#)

Pages: 7

Date Recorded: Apr. 29, 2016

Supporting Documents: [assignment-tm-5781-0435.pdf](#)

Assignor

Name: [OMNI ACQUISITION INC.](#)

Execution Date: Apr. 29, 2016

Legal Entity Type: CORPORATION

State or Country GEORGIA
Where Organized:

Assignee

Name: [ANTARES CAPITAL LP, AS AGENT](#)

Legal Entity Type: LIMITED PARTNERSHIP

State or Country DELAWARE
Where Organized:

Address: 500 WEST MONROE STREET
CHICAGO, ILLINOIS 60661

Correspondent

Correspondent Name: HUMBERTO AQUINO C/O KATTEN MUCHIN

Correspondent Address: 525 WEST MONROE STREET
CHICAGO, IL 60661

Domestic Representative - Not Found

Assignment 9 of 9

Conveyance: SECURITY INTEREST

Reel/Frame: [5786/0229](#)

Pages: 7

Date Recorded: May 04, 2016

Supporting Documents: [assignment-tm-5786-0229.pdf](#)

Assignor

Name: [OMNI ACQUISITION INC.](#)

Execution Date: Apr. 29, 2016

Legal Entity Type: CORPORATION

State or Country GEORGIA
Where Organized:

Assignee

Name: [CORTLAND CAPITAL MARKET SERVICES LLC, AS AGENT](#)

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country DELAWARE
Where Organized:

Address: 225 WEST WASHINGTON STREET
21ST FLOOR
CHICAGO, ILLINOIS 60606

Correspondent

Correspondent Name: REBECCA FLOREN

Correspondent Address: 233 S. WACKER DRIVE
SUITE 6600

CHICAGO, IL 60606

Domestic Representative - Not Found