

RESPONSE TO OFFICE ACTION

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Annex A



Dictionary

Thesaurus

smart



Games & Quizzes

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Dictionary

Definition

adjective

verb

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smart 1 of 4 adjective

'smärt

smarter; smartest

Synonyms of smart

1 : having or showing a high degree of mental ability : **INTELLIGENT, BRIGHT**

| a *smart* young student

| a *smart* decision/investment/idea

| That wasn't a very *smart* thing to do.

| The pursuit of genius or at least being the *smartest* person in the room continues to tantalize humans.

— Lydia Dishman

2 a : **WITTY, CLEVER**

| a *smart* comedy/sitcom

b informal : rude or impolite in a bold and disrespectful way

| Don't get *smart* with me.

3 a : **NEAT entry 1, TRIM entry 2**

| soldiers in *smart* uniforms

b : stylish or elegant in dress or appearance

| For this fall, the *smartest* skirts will feature hemlines that are either quite long or quite short ...

— *The New York Times Magazine*

| a member of the *smart* set

c : appealing to sophisticated tastes : characteristic of or patronized by fashionable society

| We dined late at the Oasis, possibly the *smartest* restaurant in town ...



Dictionary

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— Geri Trotta

4 a **of a weapon** : able to be altered in course during flight : being a [guided missile](#)

| a laser-guided *smart* bomb

b : operating by automation

| a *smart* machine tool

c : using a built-in microprocessor for automatic operation, for processing of data, or for achieving greater versatility

| a *smart* card

| By now we're familiar with *smart* electricity grids, those IT-enhanced networks that generate and distribute power locally ...

— Robert Visscher

5 : marked by often sharp, forceful activity or vigorous strength

| a *smart* pull of the starter cord

6 : [BRISK entry 1](#), [SPIRITED](#)

| walking at a *smart* pace

7 : causing a sharp stinging

| ... their softest touch as *smart* as lizard's stings ...

— Shakespeare

smartly *adverb*

smartness *noun*

Annex B

AQUADEX SMARTFLOW

Word Mark AQUADEX SMARTFLOW
Goods and Services IC 010. US 026 039 044. G & S: Medical devices for extracorporeal blood treatment, namely, filtration and ultrafiltration; blood filters used for extracorporeal blood treatment, disposable blood circuits used for extracorporeal blood treatment, blood pumps and blood pump controllers used for extracorporeal blood treatment. FIRST USE: 20200306. FIRST USE IN COMMERCE: 20200306

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 88691253

Filing Date November 13, 2019

Current Basis 1A

Original Filing Basis 1B

Published for Opposition March 31, 2020

Registration Number 6267810

International Registration Number 1683720

Registration Date February 9, 2021

Owner (REGISTRANT) CHF Solutions, Inc. CORPORATION DELAWARE 12988 Valley View Road Eden Prairie MINNESOTA 55344

(LAST LISTED OWNER) NUWELLIS, INC. CORPORATION DELAWARE 12988 VALLEY VIEW ROAD EDEN PRAIRIE MINNESOTA 55344

Assignment Recorded ASSIGNMENT RECORDED

Attorney of Record Julie E. Reitz

Type of Mark TRADEMARK

Register PRINCIPAL

Live/Dead Indicator LIVE

FLOWSMART

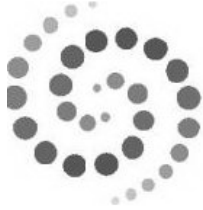
Word Mark	FLOWSMART
Goods and Services	IC 010. US 026 039 044. G & S: A feature of subcutaneous infusion sets for use by diabetes patients in connection with insulin pumps. FIRST USE: 20160930. FIRST USE IN COMMERCE: 20160930
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	86253814
Filing Date	April 16, 2014
Current Basis	1A
Original Filing Basis	1B
Published for Opposition	April 28, 2015
Registration Number	5129401
International Registration Number	1205892
Registration Date	January 24, 2017
Owner	(REGISTRANT) Becton, Dickinson and Company CORPORATION NEW JERSEY 1 Becton Drive, MC 090 Franklin Lakes NEW JERSEY 07417
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	Stephen R. Baird
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

SMART FLO

Word Mark SMART FLO
Goods and Services IC 010. US 026 039 044. G & S: Dental instruments, namely, dispensing tips with brush heads used to apply dental materials and ampoule tips with brush heads used to apply dental materials. FIRST USE: 20170801. FIRST USE IN COMMERCE: 20170801

Standard Characters Claimed
Mark Drawing Code (4) STANDARD CHARACTER MARK
Serial Number 87055995
Filing Date June 1, 2016
Current Basis 1A
Original Filing Basis 1B
Published for Opposition July 25, 2017
Registration Number 5601778
Registration Date November 6, 2018
Owner (REGISTRANT) Young Microbrush, LLC LIMITED LIABILITY COMPANY DELAWARE Corporation Trust Center 1209 Orange Street DELAWARE 19801

Assignment Recorded ASSIGNMENT RECORDED
Attorney of Record Jennifer M. Mikulina
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE



SMART PEAKFLOW

Word Mark SMART PEAKFLOW

Goods and Services IC 009. US 021 023 026 036 038. G & S: Software, namely, software for use in medical devices for monitoring respiratory diseases; computer software, namely, software for use in medical devices for monitoring respiratory diseases; application software, namely, software for use in medical devices for monitoring respiratory diseases; downloadable computer software applications, namely, software for use in medical devices for monitoring respiratory diseases; downloadable smartphone application software, namely, software for use in medical devices for monitoring respiratory diseases

IC 010. US 026 039 044. G & S: Sensors, measuring equipment and apparatus for use for diagnostic purposes, in medical treatment and health procedures, namely, patient monitoring sensors and electromagnetic medical diagnostic imaging apparatus; sensors, testing equipment and apparatus for use for diagnostic purposes, in medical treatment and health procedures, namely, patient monitoring sensors and electromagnetic medical diagnostic imaging apparatus; replacement parts and fittings specially adapted for the aforesaid goods

Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code 26.01.21 - Circles that are totally or partially shaded.
26.01.26 - Coils; Spirals; Swirls
26.01.31 - Circles - five or more; Five or more circles

Serial Number 79218476

Filing Date July 31, 2017

Current Basis 66A

Original Filing Basis 66A

Published for Opposition May 8, 2018

Registration Number 5521741

International Registration Number 1369977

Registration Date July 24, 2018

Owner (REGISTRANT) Smart Respiratory Products Limited Private Limited Company UNITED KINGDOM 33 Riding House Street London W1W 7DZ UNITED KINGDOM

Attorney of Record Rodney L. Skoglund

Priority Date July 3, 2017

Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "SMART PEAK FLOW" APART FROM THE MARK AS SHOWN

Description of Mark Color is not claimed as a feature of the mark. The mark consists of the stylized wording "SMART PEAKFLOW" to the right of a spiral design composed of several shaded circles.

Type of Mark TRADEMARK

Register PRINCIPAL

Live/Dead LIVE

BD FLOWSMART

Word Mark	BD FLOWSMART
Goods and Services	IC 010. US 026 039 044. G & S: A feature of subcutaneous infusion sets for use by diabetes patients in connection with insulin pumps. FIRST USE: 20160930. FIRST USE IN COMMERCE: 20160930
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	86253801
Filing Date	April 16, 2014
Current Basis	1A
Original Filing Basis	1B
Published for Opposition	April 28, 2015
Registration Number	5129400
International Registration Number	1206149
Registration Date	January 24, 2017
Owner	(REGISTRANT) Becton, Dickinson and Company CORPORATION NEW JERSEY 1 Becton Drive, MC 090 Franklin Lakes NEW JERSEY 07417
Attorney of Record	A. Tally Eitan
Prior Registrations	0442281;0507883;2711880;AND OTHERS
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE