

REMARKS

This responds to the Office Action dated 7 October 2019. Applicant thanks the Examining Attorney for the examination of this application and notes that the Examining Attorney's search revealed no similar registered or pending marks.

DESCRIPTIVENESS REFUSAL

In the Office Action, the Examining Attorney maintained a descriptiveness refusal on the Principal Register on grounds the mark is merely descriptive of the goods and services recited in the application. Applicant respectfully traverses this refusal based upon the following arguments and authority. In a telephonic conversation with the Examining Attorney, Examining Attorney expressed she was willing to reconsider the refusal if the Applicant would (1) amend the identification of goods and services per below, (2) provide written answers in response to the "Additional Information Required" in the Office Action, and (3) provide evidence that the term "Minibunion" is not commonly used in reference to tailor's bunions or bunionettes.

AMENDMENT

Please amend the identification of goods in the application to read as follows:

Surgical implants comprising artificial material and associated surgical instrument sets (ORIGINAL)

Surgical implants used in minimally invasive surgery to correct bunions, excluding tailor's bunions, comprising artificial material and associated surgical instrument sets (AMENDED)

ADDITIONAL INFORMATION REQUIRED

To permit proper examination of the application, applicant must provide the following additional information:

- (1) Explain whether the wording in the mark “MINIBUNION” has any meaning or significance in the surgical implants industry.

The wording MINIBUNION does not have any meaning or significance in the implant industry. Applicant’s use of the phrase “mini” as part of the name suggests the minimal surgical exposure required to implant Applicant’s device. The term “bunion,” is a noun derived from the French word “bump,” and merely describes a clinical condition. Therefore, Applicant’s use of the word combination is not to imply a “small bump” as may be indicated by the word definitions, but rather, as characterizing Applicant’s proprietary, patent-protected minimally invasive surgical approach and incision to address a bunion of any size, shape, and form.

- (2) Respond to the following questions:

Are applicant’s identified surgical implants used to treat or correct bunionettes, “tailor’s bunions,” and/or small bunions on the outside of the foot (at the base of the little toe)?

No.

Are applicant’s associated surgical instrument sets used to treat or correct bunionettes, “tailor’s bunions,” and/or small bunions on the outside of the foot (at the base of the little toe)?

No.

3. The Applicant submits Appendix 1 as evidence that a common Google search

results in a lack of evidence the term minibunion is ever used to refer to “small bunions,” “tailor’s bunions,” or “bunionettes.” In contrast, the first and highest hits reveal and support Applicant’s claim that minibunion is used primarily, and almost exclusively, by Applicant as a source indicator of its services. The evidence, therefore, shows the term merely suggests, rather than describes, the minimal surgical exposure required to implant Applicant’s device; and has nothing to do with tailor’s bunions.

CONCLUSION

For the reasons set forth above (and as explained in Applicant’s previous Office Action Response), Applicant respectfully requests the Examining Attorney to withdraw the mere descriptiveness refusal and approve the present application for publication and ultimate registration. If there remain any unresolved matters, Applicant respectfully requests the Examining Attorney to telephone the undersigned attorney to expedite the handling of this matter.

Appendix 1

Google

minibunion

All Maps Videos Images Shopping More Settings Tools

About 3,000 results (0.49 seconds)

www.minibunion.com

MINIBunion™ | Minimally-invasive bunion surgery

The miniBunion™ system is a minimally-invasive surgical technique for implanting a micro-titanium implant. This patent-pending implant has been designed to ...

About · The Science · The Procedure · Surgical Options

People also search for

- bunion plate
- podiatry implant companies
- trilliant ortho
- minimally invasive bunion surgery

www.crextremity.com > products-minibunion-implant

miniBunion Implant - CrossRoads Extremity

Jun 20, 2017

1 Lee M, Walsh J, Smith MM, Ling J, Wines A, Lam P. Hallux Valgus Correction Comparing Percutaneous ...

www.crextremity.com

CrossRoads Extremity: Clip and Plate Foot Implant Systems ...

DynaForce Staple Compression Plates (SCP) · CrossRoads Comprehensive Nitinol System (CNS) · MINIBunion · Biologics. Applications. DynaForce SCP.

www.podiatrytoday.com > emerging-advances-minimally-invasive-bu... >

Emerging Advances In Minimally Invasive Bunion Surgery ...

Sep 11, 2019 - The MiniBunion system allows placement of an internal suture through the plate, which one can use to tighten the medial capsule. This is fairly ...

clinicaltrials.gov > show > NCT01602926 >

Prospective Trial of Minimally Invasive Surgery Versus ...

www.abcactionnews.com > news > national > theres-a-new-revolution... ▼

There's a new revolutionary bunion surgery — but you have to ...

Jun 19, 2019 - Lamm created an internal device called a mini bunion by crossroads. "The reason this is so successful and lasts forever is that it corrects the ...

Videos

<p>4:22</p>	<p>1:30</p>	<p>4:42</p>
<p>Minimally Invasive Bunion Surgery with CrossRoads ...</p>	<p>Minimally Invasive Bunion Surgery</p>	<p>Minimally Invasive Bunion Plating System Surgical Technique ...</p>
<p>CrossRoads Extremity YouTube - Jan 13, 2020</p>	<p>Mount Sinai Health System YouTube - Apr 30, 2018</p>	<p>Trilliant Surgical YouTube - Jun 8, 2018</p>

accessgudid.nlm.nih.gov > devices ▼

MiniBunion™ (00815432027057) - AccessGUDID - DEVICE

Device Description: The MiniBunion™ Implant System is indicated for stabilization and reconstruction of small bones of the hand, feet, wrist, ankles, fingers and ...

www.picuki.com > tag > minibunion ▼

#minibunion Instagram posts (photos and videos) - Picuki.com

These Crossroads Minibunions are still going well. This intro-op pic is before I even did the lateral release! I've done around 6-7 of them. The most common ...

trillianturgical.com > products > minimally_invasive_bunion_plating... ▾

M.I.B. (Minimally Invasive Bunion) Plating System - Trilliant ...

M.I.B. (Minimally Invasive Bunion) Plating System. The Minimally Invasive Bunion (M.I.B.) Plating System is a unique approach to triplanar hallux valgus ...

Searches related to minibunion

[crossroads mini bunion](#)

[crossroads bunion](#)

[crossroads extremity minibunion](#)

[minimally invasive bunion surgery](#)

[crossroads extremity systems mini bunion](#)

[crossroads bunion surgery](#)

[crossroads mis bunion](#)

[minibunion implant system](#)

