

To: Biosurfit, SA (ipdocketing@haynesboone.com)
Subject: U.S. TRADEMARK APPLICATION NO. 77878491 - BIOSURFIT - 21573.___
Sent: 6/28/2015 6:01:54 PM
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**UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)
OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION**

U.S. APPLICATION SERIAL NO. 77878491

MARK: BIOSURFIT

CORRESPONDENT ADDRESS:

DAVID A BELL
HAYNES AND BOONE LLP
2323 VICTORY AVE STE 700
DALLAS, TX 75219-7673

77878491

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APPLICANT: Biosurfit, SA

CORRESPONDENT'S REFERENCE/DOCKET NO :
21573.____

CORRESPONDENT E-MAIL ADDRESS:
ipdocketing@haynesboone.com

OFFICE ACTION

STRICT DEADLINE TO RESPOND TO THIS LETTER

TO AVOID ABANDONMENT OF APPLICANT'S TRADEMARK APPLICATION, THE USPTO MUST RECEIVE APPLICANT'S COMPLETE RESPONSE TO THIS LETTER **WITHIN 6 MONTHS** OF THE ISSUE/MAILING DATE BELOW.

ISSUE/MAILING DATE: 6/28/2015

THIS IS A FINAL ACTION.

This letter is in response to applicant's correspondence filed on May 26, 2015.

In the previous Office action, dated November 25, 2014, the application was revived and applicant granted six months to respond to the refusals in the Office action dated November 11, 2013. In that Office action, registration was refused based on a likelihood of confusion with U.S. Registrations Nos. 2817555, 2259048, and 1945465.

Applicant has provided arguments in support of registration. The examining attorney has carefully considered these arguments and has found them unpersuasive.

For the reasons set forth below, the refusal under Trademark Act Section 2(d) is now made FINAL with respect to U.S. Registration No(s). 2817555, 2259048, and 1945465. *See* 15 U.S.C. §1052(d); 37 C.F.R. §2.63(b).

Registration Refused – Likelihood of Confusion

Registration of the applied-for mark is refused because of a likelihood of confusion with the marks in U.S. Registrations Nos. 2817555, 2259048, and 1945465. Trademark Act Section 2(d), 15 U.S.C. §1052(d); *see* TMEP §§1207.01 *et seq.* Copies of the Registrations were sent previously.

The applicant has applied to register BIOSURFIT for “diagnostic preparations for medical purposes; diagnostic preparations for medical and veterinary purposes; diagnostic reagents for in-vitro use, specifically for blood analysis;” “scientific apparatus for diagnostic testing of biological samples other than for medical use or cytometry use; parts and fittings therefor;” and “apparatus for diagnostic purposes for testing blood and other bodily fluids and tissues; apparatus for medical diagnostic purposes for testing blood and other bodily fluids and tissues; medical apparatus for performing in-vitro diagnostic tests, specifically for blood analysis; testing apparatus for medical and diagnostic purposes for testing blood and other bodily fluids and tissues; scientific apparatus

for medical diagnostic testing of biological samples; disposable microfluidic cartridges for medical use; apparatus for sale in kit form for medical diagnostic purposes for testing blood and other bodily fluids and tissues; test plates for use in medical diagnostic tests of biological samples; in-vitro diagnostic testing apparatus, specifically for blood analysis; biosensors for use in medical diagnostic tests of biological samples; parts and fittings therefor; all not for use in cytometry.”

The registered marks are all BIOSURE for “diagnostic reagents for scientific or research use;” “live and dead cells and organelles for research use and live and dead cells and organelles for clinical diagnostic use;” and “diagnostic reagents for clinical medical laboratory use,” in part.

Trademark Act Section 2(d) bars registration of an applied-for mark that so resembles a registered mark that it is likely a potential consumer would be confused, mistaken, or deceived as to the source of the goods and/or services of the applicant and registrant. See 15 U.S.C. §1052(d). A determination of likelihood of confusion under Section 2(d) is made on a case-by case basis and the factors set forth in *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 177 USPQ 563 (C.C.P.A. 1973) aid in this determination.

Citigroup Inc. v. Capital City Bank Grp., Inc., 637 F.3d 1344, 1349, 98 USPQ2d 1253, 1256 (Fed. Cir. 2011) (citing *On-Line Careline, Inc. v. Am. Online, Inc.*, 229 F.3d 1080, 1085, 56 USPQ2d 1471, 1474 (Fed. Cir. 2000)). Not all the *du Pont* factors, however, are necessarily relevant or of equal weight, and any one of the factors may control in a given case, depending upon the evidence of record. *Citigroup Inc. v. Capital City Bank Grp., Inc.*, 637 F.3d at 1355, 98 USPQ2d at 1260; *In re Majestic Distilling Co.*, 315 F.3d 1311, 1315, 65 USPQ2d 1201, 1204 (Fed. Cir. 2003); see *In re E. I. du Pont de Nemours & Co.*, 476 F.2d at 1361-62, 177 USPQ at 567.

Comparison of Marks

Marks are compared in their entireties for similarities in appearance, sound, connotation, and commercial impression. *Stone Lion Capital Partners, LP v. Lion Capital LLP*, 746 F.3d 1317, 1321, 110 USPQ2d 1157, 1160 (Fed. Cir. 2014) (quoting *Palm Bay Imps., Inc. v. Veuve Clicquot Ponsardin Maison Fondee En 1772*, 396 F. 3d 1369, 1371, 73 USPQ2d 1689, 1691 (Fed. Cir. 2005)); TMEP §1207.01(b)-(b)(v). “Similarity in any one of these elements may be sufficient to find the marks confusingly similar.” *In re Davia*, 110 USPQ2d 1810, 1812 (TTAB 2014) (citing *In re White Swan Ltd.*, 8 USPQ2d 1534, 1535 (TTAB 1988); *In re 1st USA Realty Prof’ls, Inc.*, 84 USPQ2d 1581, 1586 (TTAB 2007)); TMEP §1207.01(b).

BIOS-formative Marks

Applicant argues that marks beginning with BIOS are weak and common. The examining attorney agrees.

However, marks beginning with BIOSUR are neither weak nor common in the relevant fields. Copies of all of the applications and Registrations that were applied for before applicant’s mark are attached. Applicant’s mark and the Registered marks are the only ones in the relevant fields.

Difference Between Marks

The marks all begin with the same BIOSUR and differ only in that the Registered marks end in E and applicant’s mark ends in FIT.

The first portion of the marks is identical. Consumers are generally more inclined to focus on the first word, prefix, or syllable in any trademark or service mark. See *Palm Bay Imps., Inc. v. Veuve Clicquot*

Ponsardin Maison Fondée En 1772, 396 F. 3d 1369, 1372, 73 USPQ2d 1689, 1692 (Fed. Cir. 2005); *Presto Prods., Inc. v. Nice-Pak Prods., Inc.*, 9 USPQ2d 1895, 1897 (TTAB 1988) (“it is often the first part of a mark which is most likely to be impressed upon the mind of a purchaser and remembered” when making purchasing decisions).

Divergent Connotations

Applicant argues that the “final terms” in each of the marks have markedly different meanings.

The marks each comprise a single word, and the attached evidence from the online Merriam-Webster dictionary shows that none of the words have dictionary meanings.

When comparing marks, the test is not whether the marks can be distinguished in a side-by-side comparison, but rather whether the marks are sufficiently similar in terms of their overall commercial impression that confusion as to the source of the goods and/or services offered under the respective marks is likely to result. *Midwestern Pet Foods, Inc. v. Societe des Produits Nestle S.A.*, 685 F.3d 1046, 1053, 103 USPQ2d 1435, 1440 (Fed. Cir. 2012); *In re Davia*, 110 USPQ2d 1810, 1813 (TTAB 2014); TMEP §1207.01(b). The proper focus is on the recollection of the average purchaser, who retains a general rather than specific impression of trademarks. *United Global Media Grp., Inc. v. Tseng*, 112 USPQ2d 1039, 1049, (TTAB 2014); *L’Oreal S.A. v. Marcon*, 102 USPQ2d 1434, 1438 (TTAB 2012); TMEP §1207.01(b).

Applicant also argues that the BIOSUR portions of the marks are pronounced differently. There is no correct pronunciation of a mark because it is impossible to predict how the public will pronounce a particular mark. *See Embarcadero Techs., Inc. v. RStudio, Inc.*, 105 USPQ2d 1825, 1835 (TTAB 2013) (quoting *In re Viterra Inc.*, 671 F.3d 1358, 1367, 101 USPQ2d 1905, 1912 (Fed. Cir. 2012); *In re The Belgrade Shoe Co.*, 411 F.2d 1352, 1353, 162 USPQ 227, 227 (C.C.P.A. 1969)); TMEP §1207.01(b)(iv). The marks in question could clearly be pronounced the same; such similarity in sound alone may be sufficient to support a finding that the marks are confusingly similar. *In re White Swan Ltd.*, 8 USPQ2d 1534, 1535 (TTAB 1988); *see In re 1st USA Realty Prof’ls, Inc.*, 84 USPQ2d 1581, 1586 (TTAB 2007); TMEP §1207.01(b)(iv).

Marks may be confusingly similar in appearance where similar terms or phrases or similar parts of terms or phrases appear in the compared marks and create a similar overall commercial impression. *See Crocker Nat’l Bank v. Canadian Imperial Bank of Commerce*, 228 USPQ 689, 690-91 (TTAB 1986), *aff’d sub nom. Canadian Imperial Bank of Commerce v. Wells Fargo Bank, Nat’l Ass’n*, 811 F.2d 1490, 1495, 1 USPQ2d 1813, 1817 (Fed. Cir. 1987) (finding COMMCASH and COMMUNICASH confusingly similar); *In re Corning Glass Works*, 229 USPQ 65, 66 (TTAB 1985) (finding CONFIRM and CONFIRMCELLS confusingly similar); *In re Pellerin Milnor Corp.*, 221 USPQ 558, 560 (TTAB 1983) (finding MILTRON and MILLTRONICS confusingly similar); TMEP §1207.01(b)(ii)-(iii).

The marks are highly similar, and the first consideration in the analysis is met.

Comparison of Goods/Services

The goods and/or services of the parties need not be identical or even competitive to find a likelihood of confusion. *See On-line Careline Inc. v. Am. Online Inc.*, 229 F.3d 1080, 1086, 56 USPQ2d 1471, 1475 (Fed. Cir. 2000); *Recot, Inc. v. Becton*, 214 F.3d 1322, 1329, 54 USPQ2d 1894, 1898 (Fed. Cir. 2000) (“[E]ven if the goods in question are different from, and thus not related to, one another in kind, the same goods can be related in the mind of the consuming public as to the origin of the goods.”); TMEP

§1207.01(a)(i).

The respective goods and/or services need only be “related in some manner and/or if the circumstances surrounding their marketing [be] such that they could give rise to the mistaken belief that [the goods and/or services] emanate from the same source.” *Coach Servs., Inc. v. Triumph Learning LLC*, 668 F.3d 1356, 1369, 101 USPQ2d 1713, 1722 (Fed. Cir. 2012) (quoting *7-Eleven Inc. v. Wechsler*, 83 USPQ2d 1715, 1724 (TTAB 2007)); TMEP §1207.01(a)(i).

Amended Identification

Applicant notes that applicant’s amended identification clarifies the identification of goods.

Applicant’s amended identification of goods reads as follows:

Diagnostic preparations for medical purposes; diagnostic preparations for medical and veterinary purposes; diagnostic reagents for in-vitro use, specifically for blood analysis in International Class 005.

Scientific apparatus for diagnostic testing of biological samples other than for medical use or cytometry use; parts and fittings therefor in International Class 009.

Apparatus for diagnostic purposes for testing blood and other bodily fluids and tissues; apparatus for medical diagnostic purposes for testing blood and other bodily fluids and tissues; medical apparatus for performing in-vitro diagnostic tests, specifically for blood analysis; testing apparatus for medical and diagnostic purposes for testing blood and other bodily fluids and tissues; scientific apparatus for medical diagnostic testing of biological samples; disposable microfluidic cartridges for medical use; apparatus for sale in kit form for medical diagnostic purposes for testing blood and other bodily fluids and tissues; test plates for use in medical diagnostic tests of biological samples; in-vitro diagnostic testing apparatus, specifically for blood analysis; biosensors for use in medical diagnostic tests of biological samples; parts and fittings therefor; all not for use in cytometry in International Class 010.

The goods identified in the registrations are as follows:

“diagnostic reagents for scientific or research use;” “live and dead cells and organelles for research use and live and dead cells and organelles for clinical diagnostic use;” and “diagnostic reagents for clinical medical laboratory use,” in part.

Applicant’s narrowing of the identification does not obviate the similarity of the goods. With respect to applicant’s and registrant’s goods and/or services, the question of likelihood of confusion is determined based on the description of the goods and/or services stated in the application and registration at issue, not on extrinsic evidence of actual use. *See Stone Lion Capital Partners, LP v. Lion Capital LLP*, 746 F.3d 1317, 1323, 110 USPQ2d 1157, 1162 (Fed. Cir. 2014) (quoting *Octocom Sys. Inc. v. Hous. Computers Servs. Inc.*, 918 F.2d 937, 942, 16 USPQ2d 1783, 1787 (Fed. Cir. 1990)).

Absent restrictions in an application and/or registration, the identified goods and/or services are “presumed to travel in the same channels of trade to the same class of purchasers.” *In re Viterra Inc.*, 671 F.3d 1358, 1362, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012) (quoting *Hewlett-Packard Co. v. Packard Press, Inc.*, 281 F.3d 1261, 1268, 62 USPQ2d 1001, 1005 (Fed. Cir. 2002)). Additionally, unrestricted and broad identifications are presumed to encompass all goods and/or services of the type described. *See*

In re Jump Designs, LLC, 80 USPQ2d 1370, 1374 (TTAB 2006) (citing *In re Elbaum*, 211 USPQ 639, 640 (TTAB 1981)); *In re Linkvest S.A.*, 24 USPQ2d 1716, 1716 (TTAB 1992).

In this case, the identification set forth in the application and registration(s) has no restrictions as to nature, type, channels of trade, or classes of purchasers. Therefore, it is presumed that these goods and/or services travel in all normal channels of trade, and are available to the same class of purchasers. Further, the registration uses broad wording to describe the goods and/or services and this wording is presumed to encompass all goods and/or services of the type described, including those in applicant's more narrow identification.

Applicant's clarification of the identification of goods does not remove the similarity in the goods as they are identified.

Distinct Marketing Contexts

Applicant argues that the marketing contexts of the goods differ.

However, the identification set forth in the application and registrations has no restrictions as to nature, type, channels of trade, or classes of purchasers. Therefore, it is presumed that these goods and/or services "travel in the same channels of trade to the same class of purchasers." *In re Viterra Inc.*, 671 F.3d 1358, 1362, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012) (quoting *Hewlett-Packard Co. v. Packard Press, Inc.*, 281 F.3d 1261, 1268, 62 USPQ2d 1001, 1005 (Fed. Cir. 2002)).

Sophisticated Consumers

Finally, applicant argues that the consumers of the relevant goods are exceedingly sophisticated, superbly educated bioscience experts.

The fact that purchasers are sophisticated or knowledgeable in a particular field, such as bioscience, does not necessarily mean that they are sophisticated or knowledgeable in the field of trademarks or immune from source confusion. TMEP §1207.01(d)(vii); *see, e.g., Stone Lion Capital Partners, LP v. Lion Capital LLP*, 746 F.3d 1317, 1325, 110 USPQ2d 1157, 1163-64 (Fed. Cir. 2014); *Top Tobacco LP v. N. Atl. Operating Co.*, 101 USPQ2d 1163, 1170 (TTAB 2011). This argument is unpersuasive.

The goods are closely related, and the second consideration in the analysis is met. Purchasers could mistakenly believe that the goods come from a common source.

Conclusion

The overriding concern is not only to prevent buyer confusion as to the source of the goods and/or services, but to protect the registrant from adverse commercial impact due to use of a similar mark by a newcomer. *See In re Shell Oil Co.*, 992 F.2d 1204, 1208, 26 USPQ2d 1687, 1690 (Fed. Cir. 1993). Therefore, any doubt regarding a likelihood of confusion determination is resolved in favor of the registrant. TMEP §1207.01(d)(i); *see Hewlett-Packard Co. v. Packard Press, Inc.*, 281 F.3d 1261, 1265, 62 USPQ2d 1001, 1003 (Fed. Cir. 2002); *In re Hyper Shoppes (Ohio), Inc.*, 837 F.2d 463, 464-65, 6 USPQ2d 1025, 1026 (Fed. Cir. 1988).

Therefore, registration of the applied-for mark is refused because of a likelihood of confusion with the marks in U.S. Registrations Nos. 2817555, 2259048, and 1945465. Trademark Act Section 2(d), 15 U.S.C. §1052(d); *see* TMEP §§1207.01 *et seq.* .

The refusal is hereby made FINAL.

Response to a Final Refusal

Applicant must respond within six months of the date of issuance of this final Office action or the application will be abandoned. 15 U.S.C. §1062(b); 37 C.F.R. §2.65(a). Applicant may respond by providing one or both of the following:

- (1) A response that fully satisfies all outstanding requirements and/or resolves all outstanding refusals.
- (2) An appeal to the Trademark Trial and Appeal Board, with the appeal fee of \$100 per class.

37 C.F.R. §2.63(b)(1)-(2); TMEP §714.04; *see* 37 C.F.R. §2.6(a)(18); TBMP ch. 1200.

In certain rare circumstances, an applicant may respond by filing a petition to the Director pursuant to 37 C.F.R. §2.63(b)(2) to review procedural issues. TMEP §714.04; *see* 37 C.F.R. §2.146(b); TBMP §1201.05; TMEP §1704 (explaining petitionable matters). The petition fee is \$100. 37 C.F.R. §2.6(a)(15).

Questions Regarding Office Action

If applicant has questions regarding this Office action, please telephone or e-mail the assigned trademark examining attorney. All relevant e-mail communications will be placed in the official application record; however, an e-mail communication will not be accepted as a response to this Office action and will not extend the deadline for filing a proper response. *See* 37 C.F.R. §§2.62(c), 2.191; TMEP §§304.01-.02, 709.04-.05. Further, although the trademark examining attorney may provide additional explanation pertaining to the refusal(s) and/or requirement(s) in this Office action, the trademark examining attorney may not provide legal advice or statements about applicant's rights. *See* TMEP §§705.02, 709.06.

/allison holtz/
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TO RESPOND TO THIS LETTER: Go to http://www.uspto.gov/trademarks/teas/response_forms.jsp. Please wait 48-72 hours from the issue/ mailing date before using the Trademark Electronic Application System (TEAS), to allow for necessary system updates of the application. For *technical* assistance with online forms, e-mail TEAS@uspto.gov. For questions about the Office action itself, please contact the assigned trademark examining attorney. **E-mail communications will not be accepted as responses to Office**

actions; therefore, do not respond to this Office action by e-mail.

All informal e-mail communications relevant to this application will be placed in the official application record.

WHO MUST SIGN THE RESPONSE: It must be personally signed by an individual applicant or someone with legal authority to bind an applicant (i.e., a corporate officer, a general partner, all joint applicants). If an applicant is represented by an attorney, the attorney must sign the response.

PERIODICALLY CHECK THE STATUS OF THE APPLICATION: To ensure that applicant does not miss crucial deadlines or official notices, check the status of the application every three to four months using the Trademark Status and Document Retrieval (TSDR) system at <http://tsdr.uspto.gov/>. Please keep a copy of the TSDR status screen. If the status shows no change for more than six months, contact the Trademark Assistance Center by e-mail at TrademarkAssistanceCenter@uspto.gov or call 1-800-786-9199. For more information on checking status, see <http://www.uspto.gov/trademarks/process/status/>.

TO UPDATE CORRESPONDENCE/E-MAIL ADDRESS: Use the TEAS form at <http://www.uspto.gov/trademarks/teas/correspondence.jsp>.

DESIGN MARK

Serial Number

73606935

Status

REGISTERED AND RENEWED

Word Mark

BIOSURE

Standard Character Mark

No

Registration Number

1427383

Date Registered

1987/02/03

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(1) TYPED DRAWING

Owner

BIOSURE, INC. CORPORATION CALIFORNIA 1050 Whispering Pines Lane Suite
F Grass Valley CALIFORNIA 95945

Goods/Services

Class Status -- ACTIVE. IC 011. US 013 021 023 031 034. G & S: [
BIOHAZARD WASTE DISPOSAL BAG WITH] STEAM STERILIZATION INTEGRATOR.
First Use: 1986/04/11. First Use In Commerce: 1986/04/11.

Filing Date

1986/06/30

Examining Attorney

UNKNOWN

DESIGN MARK

Serial Number

74608424

Status

REGISTERED AND RENEWED

Word Mark

BIOSURE

Standard Character Mark

No

Registration Number

1945465

Date Registered

1996/01/02

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

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

Owner

BIOSURE, INC. CORPORATION CALIFORNIA 1050 Whispering Pines Lane Suite
F Grass Valley CALIFORNIA 95945

Goods/Services

Class Status -- ACTIVE. IC 010. US 026 039 044. G & S: containers
for infectious waste. First Use: 1986/00/00. First Use In Commerce:
1986/00/00.

Goods/Services

Class Status -- ACTIVE. IC 005. US 006 018 044 046 051 052. G & S:
diagnostic reagents for clinical medical laboratory use. First Use:
1992/00/00. First Use In Commerce: 1992/00/00.

Prior Registration(s)

1427383

Filing Date

1994/12/08

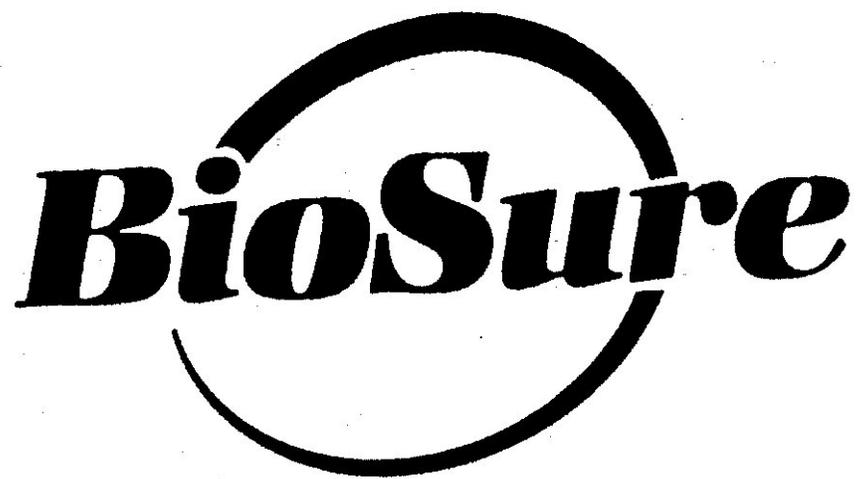
Examining Attorney

KING, LINDA

Print: Jun 28, 2015

74608424

Attorney of Record
Thomas Schneck

The logo features the word "BioSure" in a bold, italicized, black serif font. The text is centered horizontally and partially enclosed by a thick black circular outline that is open at the top and bottom. The word "Bio" is on the left, "S" is in the middle, and "ure" is on the right. The circular outline starts above the "S" and ends below the "e".

BioSure

DESIGN MARK

Serial Number

74652015

Status

REGISTERED AND RENEWED

Word Mark

BIOSURE

Standard Character Mark

No

Registration Number

2085224

Date Registered

1997/08/05

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(1) TYPED DRAWING

Owner

LOVELAND PRODUCTS, INC. CORPORATION 3005 Rocky Mountain Avenue
Loveland COLORADO 80538

Goods/Services

Class Status -- ACTIVE. IC 001. US 001 005 006 010 026 046. G & S:
adjuvants, namely, surfactants and soil penetrants for use to improve
wetting and distribution of pesticides on plants and into soil and to
improve water penetration into the soil. First Use: 1971/12/00.
First Use In Commerce: 1971/12/00.

Filing Date

1995/03/27

Examining Attorney

BLOHM, LINDA E.

Attorney of Record

LESLIE P KRAMER

DESIGN MARK

Serial Number

75427732

Status

REGISTERED AND RENEWED

Word Mark

BIOSURE

Standard Character Mark

No

Registration Number

2259048

Date Registered

1999/07/06

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(1) TYPED DRAWING

Owner

Biosure, Inc. CORPORATION CALIFORNIA 1050 Whispering Pines Lane Suite
F Grass Valley CALIFORNIA 95945

Goods/Services

Class Status -- ACTIVE. IC 005. US 006 018 044 046 051 052. G & S:
live and dead cells and organelles for clinical diagnostic use. First
Use: 1991/08/31. First Use In Commerce: 1991/08/31.

Goods/Services

Class Status -- ACTIVE. IC 001. US 001 005 006 010 026 046. G & S:
live and dead cells and organelles for research use. First Use:
1991/08/31. First Use In Commerce: 1991/08/31.

Prior Registration(s)

1427383;1945465

Filing Date

1998/02/02

Examining Attorney

CHARLON, BARNEY

Print: Jun 28, 2015

75427732

Attorney of Record
THOMAS SCHNECK

DESIGN MARK

Serial Number

77443660

Status

REGISTERED

Word Mark

BIOSURE

Standard Character Mark

Yes

Registration Number

3673947

Date Registered

2009/08/25

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

Smith & Nephew, Inc. CORPORATION DELAWARE 1450 Brooks Road Memphis
TENNESSEE 38116

Goods/Services

Class Status -- ACTIVE. IC 010. US 026 039 044. G & S: Surgical
screws and apparatus for the implantation of surgical screws. First
Use: 2008/07/11. First Use In Commerce: 2008/07/11.

Filing Date

2008/04/09

Examining Attorney

MACIOL, GENE

Attorney of Record

William B. Clemmons, Jr.

BIOSURE

DESIGN MARK

Serial Number

77745264

Status

REGISTERED

Word Mark

BIOSURANCE

Standard Character Mark

Yes

Registration Number

3918491

Date Registered

2011/02/15

Type of Mark

SERVICE MARK

Register

PRINCIPAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

CFC Underwriting, Limited CORPORATION UNITED KINGDOM 85 Gracechurch Street London UNITED KINGDOM EC3VoAA

Goods/Services

Class Status -- ACTIVE. IC 036. US 100 101 102. G & S: INSURANCE BROKERAGE, INSURANCE UNDERWRITING AND REINSURANCE UNDERWRITING SERVICES RELATING TO DRUG, PHARMACEUTICAL AND MEDICAL PRODUCT DEVELOPMENT, MEDICAL, CLINICAL AND DRUG TRIALS, HEALTHCARE EVALUATIONS, CLINICAL TRIALS LIABILITY, PRODUCT LIABILITY, PROFESSIONAL INDEMNITY, DIRECTORS AND OFFICER LIABILITY, MEDICAL MALPRACTICE LIABILITY, EMPLOYERS LIABILITY, EMPLOYMENT PRACTICE LIABILITY, PROFESSIONAL LIABILITY, CIVIL SANCTIONS AND REGULATORY PROCEEDINGS LIABILITY; FINANCIAL RISK MANAGEMENT SERVICES; INSURANCE INFORMATION SERVICES; INSURANCE ADVISORY SERVICES, NAMELY, CONSULTING CONCERNING INSURANCE SERVICES.

Foreign Country Name

UNITED KINGDOM

Foreign Priority

FOREIGN PRIORITY CLAIMED

Foreign Application Number

2515248

Foreign Filing Date

2009/05/06

Foreign Registration Number

2515248

Foreign Registration Date

2009/12/01

Foreign Expiration Date

2019/05/06

Filing Date

2009/05/27

Examining Attorney

HELLMAN, ELI

Attorney of Record

Andy I. Corea

BIOSURANCE

DESIGN MARK

Serial Number

77800327

Status

REGISTERED

Word Mark

BIOSURE

Standard Character Mark

No

Registration Number

4051245

Date Registered

2011/11/08

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

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

Owner

CORPORATIVE BRANDINGS AND INVESTMENTS, S.A. DE C.V. CORPORATION MEXICO
Poniente 122 No. 473 Colonia Industrial Vallejo Mexico, Mexico D.F.
MEXICO 02300

Goods/Services

Class Status -- ACTIVE. IC 029. US 046. G & S: Cooked fruits and vegetables; Dairy products excluding ice cream, ice milk and frozen yogurt; Dried fruit and vegetables; Edible oils and fats; Eggs; Fish; Fruit conserves; Jellies and jams; Marmalades; Meat and meat extracts; Milk; Poultry and game; Preserved fruit and vegetables.

Foreign Country Name

MEXICO

Foreign Registration Number

1086114

Foreign Registration Date

2009/02/19

Foreign Expiration Date

2019/02/04

Description of Mark

The mark consists of the word "BIOSURE" in stylized letters. All letters show a shadow on the background. A darker color blue appears in the letters "B" and "S" and a lighter blue appears on the letters "IO" and "SURE". The color gray appears in the background.

Colors Claimed

The color(s) dark blue, light blue and gray is/are claimed as a feature of the mark.

Translation Statement

The wording "BIOSURE" has no meaning in a foreign language.

Filing Date

2009/08/08

Examining Attorney

KOVALSKY, LAURA

Attorney of Record

Arturo Perez-Guerrero

BioSure

DESIGN MARK

Serial Number

77847364

Status

REGISTERED

Word Mark

BIOSURE

Standard Character Mark

No

Registration Number

4621349

Date Registered

2014/10/14

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

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

Owner

Gamlen Medikal Biyolojik Urunler Sanayi ve Ticaret Limited Sirketi
CORPORATION TURKEY Sokak A Blok No: 12 Umraniye 1. Eskisehir Mah. Des
Sanayi Sitesi 109 Istanbul TURKEY

Goods/Services

Class Status -- ACTIVE. IC 003. US 001 004 006 050 051 052. G & S:
Biotechnological soaps, detergent and cleaning solutions for household
and industrial use namely, multi-surface cleaners, all-purpose
cleaners, cleaners for grease traps, drain lines, septic tanks,
aquariums, wastewater and holding tanks, detergents for sanitary use,
cleaning solutions for eliminating odors, breaking down organics, and
removing stains, cleaners for dental suctionlines, cleaners for
concrete surfaces; dishwashing liquids, powders, and tablets,
dishwashing rinse aids; all purpose cleaning, polishing, scouring and
abrasive preparations, toilet cleaners, window cleaners and cream
cleaners for household and industrial purposes; hand cleaners and
soaps, liquid hand soap. First Use: 2010/02/28. First Use In
Commerce: 2010/02/28.

Foreign Country Name

TURKEY

Foreign Registration Number

200732841

Foreign Registration Date

2008/06/02

Foreign Expiration Date

2018/06/02

Description of Mark

The mark consists of the words "BIO" written in white with shading and "SURE" written in yellow. The dot over the "I" in "BIO" is a yellow star. The color black represents shading.

Colors Claimed

The color(s) yellow and white is/are claimed as a feature of the mark.

Filing Date

2009/10/13

Examining Attorney

CARLYLE, SHAUNIA

Attorney of Record

Zeynel Karcioğlu

Bio  surf

DESIGN MARK

Serial Number

78241123

Status

REGISTERED AND RENEWED

Word Mark

BIOSURE

Standard Character Mark

No

Registration Number

2817555

Date Registered

2004/02/24

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(1) TYPED DRAWING

Owner

Biosure, Inc. CORPORATION CALIFORNIA 1050 Whispering Pines Lane Suite
F Grass Valley CALIFORNIA 95945

Goods/Services

Class Status -- ACTIVE. IC 001. US 001 005 006 010 026 046. G & S:
Diagnostic reagents for scientific or research use. First Use:
2000/08/31. First Use In Commerce: 2000/08/31.

Prior Registration(s)

1427383;1945465;2259048

Filing Date

2003/04/23

Examining Attorney

GOODMAN, WENDY

Attorney of Record

Jennifer DeArmond

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Dictionary Spelling Help

biosure

The word you've entered isn't in the dictionary. Click on a spelling suggestion below or try again using the search bar above.

1. Bossier
2. boiserie
3. Bushehr
4. poseur
5. blusher
6. bizarre
7. boozier
8. buzzer
9. pissoir
10. bother
11. basilar
12. beshrew
13. bezoar
14. bizano
15. observe
16. bilher
17. Boswell
18. absorb
19. absurd
20. Beziers



Word of the Day JUNE 28, 2015

cybrarian

someone who finds facts on the Web

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A Handy Guide to

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Dictionary Spelling Help

biosurfit

The word you've entered isn't in the dictionary. Click on a spelling suggestion below or try again using the search bar above.

1. absurdity
2. Bossier City
3. absurdist

Word of the Day JUNE 28, 2015

cybrarian

someone who finds facts on the Web

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Your email address



Words at Play

What Does "Jiggery-Pokery" Mean?

A Handy Guide to



To: Biosurfit, SA (ipdocketing@haynesboone.com)
Subject: U.S. TRADEMARK APPLICATION NO. 77878491 - BIOSURFIT - 21573.____
Sent: 6/28/2015 6:01:56 PM
Sent As: ECOM111@USPTO.GOV
Attachments:

UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)

**IMPORTANT NOTICE REGARDING YOUR
U.S. TRADEMARK APPLICATION**

USPTO OFFICE ACTION (OFFICIAL LETTER) HAS ISSUED
ON **6/28/2015** FOR U.S. APPLICATION SERIAL NO. 77878491

Please follow the instructions below:

(1) TO READ THE LETTER: Click on this [link](#) or go to <http://tsdr.uspto.gov>, enter the U.S. application serial number, and click on “Documents.”

The Office action may not be immediately viewable, to allow for necessary system updates of the application, but will be available within 24 hours of this e-mail notification.

(2) TIMELY RESPONSE IS REQUIRED: Please carefully review the Office action to determine (1) how to respond, and (2) the applicable response time period. Your response deadline will be calculated from **6/28/2015** (*or sooner if specified in the Office action*). For information regarding response time periods, see <http://www.uspto.gov/trademarks/process/status/responsetime.jsp>.

Do NOT hit “Reply” to this e-mail notification, or otherwise e-mail your response because the USPTO does NOT accept e-mails as responses to Office actions. Instead, the USPTO recommends that you respond online using the Trademark Electronic Application System (TEAS) response form located at http://www.uspto.gov/trademarks/teas/response_forms.jsp.

(3) QUESTIONS: For questions about the contents of the Office action itself, please contact the assigned trademark examining attorney. For *technical* assistance in accessing or viewing the Office action in the Trademark Status and Document Retrieval (TSDR) system, please e-mail TSDR@uspto.gov.

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