

Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	86276928
LAW OFFICE ASSIGNED	LAW OFFICE 115
MARK SECTION	
MARK	http://tmng-al.uspto.gov/resting2/api/img/86276928/large
LITERAL ELEMENT	TRI PULSE
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font style, size or color.

ARGUMENT(S)

This Request for Reconsideration is in reply to the Office Action dated October 15, 2015. Applicant is simultaneously filing a Notice of Appeal.

The Examining Attorney has made final her objections based on Section 2(d) of the Trademark Act premised on the existence of three registrations all owned by the same entity for the marks PULSE, PULSE ROAD (and Design) and PULSE TRAIL (and Design). Applicant respectfully disagrees that the cited registrations are likely to cause confusion with the Applicant's mark, TRI PULSE, and herein further explains its position. Upon review of the Final Office Action, Applicant believes there may be a misunderstanding of Applicant's goods and hereby attempts to explain why there is no likelihood of confusion principally by providing additional detail about the Applicant's goods. Applicant trusts this additional information will provide sufficient clarity to enable Applicant to overcome the Examining Attorney's objections.

Attachment of Evidence:

As an initial matter, Applicant previously referenced in its prior response a host of other registrations containing the word "pulse" in Class 10 for compression-related goods in support of the conclusion that the mere inclusion of the word "pulse" in Applicant's mark does not create any likelihood of confusion. Many registrations coexist in this class for compression-related goods, and the existence of the word "pulse" in those marks does not create any likelihood of confusion. All such registrations are able to coexist. Applicant hereby attaches U.S. Reg. Nos. 4,708,725 for ACU-PULSE, 2,106,637 for VENAPULSE, 4,632,905 for VPULSE and Design, 4,369,804 for VPULSE and 4,362,304 for VPULSE SYSTEM.

Different Appearances of the Marks:

Applicant states that the cited marks and the applied for mark differ in aural presentation and appearance. Applicant's mark begins with a "tr" consonant blend, and the cited registrations all begin with a "p" consonant and lead with the word "pulse". As demonstrated by the submission of the above registrations, the owner of the three registrations cited by the Examining Attorney does not have a right, by virtue of their registrations, to a monopoly on the word "pulse" in relation to goods that provide some level of "compression therapy" as that term is broadly construed. Trademarks must be reviewed in their entireties, and here the marks do not sound the same, do not appear the same and the mere common inclusion of the word "pulse" is not enough to create a likelihood of confusion. Applicant further notes that its proposed mark, like those of the registrations that Applicant cites, do not lead with the word "pulse", and thus, have a very different presentation.

Distinguishable Goods:

The Examining Attorney suggests that the purpose and use of the goods in the cited registrations and the pending application are highly similar. They are not. The fact that the cited registrations are for goods that are used by the consuming public for a variety of purposes, which can include providing compression therapy, does not transform those goods into the highly specialized medical equipment that Applicant is attempting to identify. Unlike the passive compression socks and medical hosiery identified in the cited registrations, the Applicant's goods,

by themselves, do not provide compression therapy or help prevent deep vein thrombosis. If you wear the Applicant's goods separate and apart from the medical machinery apparatus identified, namely the pump, they are entirely useless and provide no compression. Rather, the Applicant's goods are designed for use with highly specialized machinery and are only available in hospitals and other formal care facilities. Applicant's goods are medically specified for use with a particular pump apparatus in order to provide compression. They must be used in combination with the machinery to achieve any result and only by a skilled medical professional. In the cited registrations, whatever compression benefit is offered is offered by virtue of wearing the garment. For Applicant, compression is not achieved merely by wearing the garment. The garment needs to be hooked up to a pump that is inflating and deflating the bladders that are integral in the garment so that the desired active compression therapy can be provided.

In a similar way, you could not take the goods identified in the cited registrations and use them in conjunction with the pump equipment described above because they would not be compatible. It is critically important to understand that the goods in the cited registrations and the pending application are not interchangeable in any way – you cannot get compression alone from the Applicant's goods without being used in conjunction with the medical pump; also there is no means to operatively connect registrants' non-inflatable hosiery to a medical pump to provide for active compression therapy. Applicant's goods are designed specifically for use with a highly specialized medical pump and it is only through the dynamic introduced by the pump system that active compression is achieved.

There is no basis upon which to conclude that mass marketed passive compression socks would share any source or sponsorship with what is, in essence, a highly specialized, medical grade, component "part" of an overall medical therapy system for use in medical settings that is purchased by medical practitioners and clinical suppliers. The fact that all of the goods claim to offer some level of compression therapy does not create the nexus to conclude that there is a likelihood of confusion due to a similar market or similar consumer base. A medical condition does not identify the consuming public. A casual user of passive compression socks or stockings (for example, on an airplane) is not achieving the same goals as a patient with severe trauma who requires sophisticated medical intervention administered by healthcare professionals. For example, a diabetic who purchases products in the local drug store (i.e., sugar free candies, socks and bandages) is not going to necessarily conclude that the manufacturer of those goods is the same as the highly sophisticated dialysis machine available only in the hospital, even if all such goods include a term like "glucose" in the product name. By way of another example, multiple products may be beneficial to a particular condition, but no one would think you could substitute any one product for another and achieve the same results or that all products would provide the same degree of benefit for a full spectrum of conditions that are encapsulated in a broad generic term like "compression therapy". Even though Applicant's and registrant's goods may be geared towards prevention of deep vein thrombus, Applicant addresses this condition by active rather than passive compression therapy, using a distinctly different medical device configured for operation with a pump to inflate and deflate, distributed through different channels of trade. The usual setting in which such products are consumed are generally different. The decision to employ the products is made by different people of different skill levels, and indeed, only certain personnel can even provide access to the Applicant's goods to achieve compression therapy.

In short, the key is that these goods simply do not perform the same function. Applicant's goods are for use by healthcare professionals for patients with a medical condition of such nature that would warrant professional medical intervention. Applicant's goods may be particularly useful for patients with no or limited mobility, such as pre-, intra- and post-operative patients. That is not the same as someone who purchases socks to wear in their personal day-to-day interactions – even if that consumer's end goal is to maintain their health. In that respect, Applicant's goods are highly specialized in comparison to the goods in the cited registrations.

Sophistication of the Consuming Public:

Here, sophistication of the consuming public is important because, to use the Applicant's FDA approved goods, you must be a certified healthcare provider who understands how the pump mechanism works in conjunction with Applicant's goods, how to connect the same to achieve any compression and how to control the entire system to achieve the therapeutic goals. You cannot be mistaken and think a compression sock – even a compression sock for therapeutic use – would work with the pump. The medical pump connects to the Applicant's goods by way of a tube or connection that channels air to, from and through the Applicant's goods. Because Applicant's goods have to be purchased specifically for use with related machinery in order to function, there is no real risk of market confusion here given these circumstances. As an added distinction, the price points for these goods are different. Standard passive compression hosiery range from a few dollars to twenty dollars, whereas the price of Applicant's active compression medical device is in excess of twenty dollars, and the pump required to utilize the compression functionality of the goods costs thousands of dollars.

Description of the Goods:

Applicant recognizes that, despite its best efforts, these functionality distinctions may not have been readily apparent in its original description of goods as drafted. Applicant thus proposes amending its goods description as follows to make explicitly clear the way that its goods function, its limited channel of trade and its highly specialized and narrow customer base:

Medical devices, namely, inflatable therapeutic garments to help prevent deep vein thrombosis, namely limb compression apparatus and sleeves, consisting primarily of inflatable bladders and usable only together with pumps and for use in a hospital, long term acute care, skilled nursing or other acute care facility as prescribed by a physician and administered by a healthcare professional to provide active, intermittent, compression therapy through the cyclic and/or sequential inflation and deflation of the inflatable bladders

Applicant requests that to the extent the Examining Attorney seeks further amendment to this description to clarify any of the functionality that the Examining Attorney issue a fresh office action to work through any concerns with this newly revised description of goods. This

revision is Applicant's attempt to clearly delineate its goods from those of the cited registrations by eliminating any ambiguity in how Applicant's goods actually function.

For all of these reasons, Applicant respectfully requests reconsideration of the Final Office Action.

Respectfully submitted,

THE WEBB LAW FIRM

/crd/

Cecilia R. Dickson
Attorney of Record, PA Bar Member

EVIDENCE SECTION

EVIDENCE FILE NAME(S)	
ORIGINAL PDF FILE	evi_38107150106-20160414100113262272_.2106637.pdf
CONVERTED PDF FILE(S) (1 page)	\\TICRS\EXPORT16\IMAGEOUT16\862\769\86276928\xml12\RFR0002.JPG
ORIGINAL PDF FILE	evi_38107150106-20160414100113262272_.4362304.pdf
CONVERTED PDF FILE(S) (2 pages)	\\TICRS\EXPORT16\IMAGEOUT16\862\769\86276928\xml12\RFR0003.JPG
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	\\TICRS\EXPORT16\IMAGEOUT16\862\769\86276928\xml12\RFR0008.JPG
ORIGINAL PDF FILE	evi_38107150106-20160414100113262272_.4708725.pdf
CONVERTED PDF FILE(S) (2 pages)	\\TICRS\EXPORT16\IMAGEOUT16\862\769\86276928\xml12\RFR0009.JPG
	\\TICRS\EXPORT16\IMAGEOUT16\862\769\86276928\xml12\RFR0010.JPG
DESCRIPTION OF EVIDENCE FILE	Applicant hereby attaches U.S. Reg. Nos. 4,708,725 for ACU-PULSE, 2,106,637 for VENAPULSE, 4,632,905 for VPULSE and Design, 4,369,804 for VPULSE and 4,362,304 for VPULSE SYSTEM.

GOODS AND/OR SERVICES SECTION (current)

INTERNATIONAL CLASS	010
DESCRIPTION	
Medical devices, namely, inflatable garments and therapeutic garments to help prevent deep vein thrombosis in a clinical setting, namely, wraps and limb compression apparatus and sleeves, all of the foregoing with inflatable bladders or pockets for use with pumps to provide active compression through inflation and deflation of the bladders or pockets	
FILING BASIS	Section 1(b)
FILING BASIS	Section 44(e)
FOREIGN REGISTRATION NUMBER	012851821

FOREIGN REGISTRATION COUNTRY	European Community - CTM
FOREIGN REGISTRATION DATE	12/11/2014
FOREIGN EXPIRATION DATE	05/07/2024
GOODS AND/OR SERVICES SECTION (proposed)	
INTERNATIONAL CLASS	010
TRACKED TEXT DESCRIPTION	
<p>Medical devices, namely, inflatable garments and therapeutic garments to help prevent deep vein thrombosis in a clinical setting, namely, wraps and limb compression apparatus and sleeves, all of the foregoing with inflatable bladders or pockets for use with pumps to provide active compression through inflation and deflation of the bladders or pockets; <u>Medical devices, namely, inflatable therapeutic garments to help prevent deep vein thrombosis, namely limb compression apparatus and sleeves, consisting primarily of inflatable bladders and usable only together with pumps and for use in a hospital, long term acute care, skilled nursing or other acute care facility as prescribed by a physician and administered by a healthcare professional to provide active, intermittent, compression therapy through the cyclic and/or sequential inflation and deflation of the inflatable bladders</u></p>	
FINAL DESCRIPTION	
<p>Medical devices, namely, inflatable therapeutic garments to help prevent deep vein thrombosis, namely limb compression apparatus and sleeves, consisting primarily of inflatable bladders and usable only together with pumps and for use in a hospital, long term acute care, skilled nursing or other acute care facility as prescribed by a physician and administered by a healthcare professional to provide active, intermittent, compression therapy through the cyclic and/or sequential inflation and deflation of the inflatable bladders</p>	
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FILING BASIS	Section 44(e)
FOREIGN REGISTRATION NUMBER	012851821
FOREIGN REGISTRATION COUNTRY	European Community - CTM
FOREIGN REGISTRATION DATE	12/11/2014
FOREIGN EXPIRATION DATE	05/07/2024
SIGNATURE SECTION	
RESPONSE SIGNATURE	/crd/
SIGNATORY'S NAME	Cecilia R. Dickson
SIGNATORY'S POSITION	Attorney of Record, PA Bar Member
SIGNATORY'S PHONE NUMBER	(412) 471-8815
DATE SIGNED	04/15/2016
AUTHORIZED SIGNATORY	YES
CONCURRENT APPEAL NOTICE FILED	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Fri Apr 15 11:09:37 EDT 2016
TEAS STAMP	USPTO/RFR-XX.XXX.XXX.XXX- 20160415110937040572-8627 6928-5503384ca91cccad7229 546f897d7f9c806deb5773a1d fa9b836a96d61b0fa384-N/A- N/A-20160415110739826785

Request for Reconsideration after Final Action

To the Commissioner for Trademarks:

Application serial no. **86276928** TRI PULSE(Standard Characters, see <http://tmng-al.uspto.gov/resting2/api/img/86276928/large>) has been amended as follows:

ARGUMENT(S)

In response to the substantive refusal(s), please note the following:

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In a similar way, you could not take the goods identified in the cited registrations and use them in conjunction with the pump equipment described above because they would not be compatible. It is critically important to understand that the goods in the cited registrations and the pending application are not interchangeable in any way – you cannot get compression alone from the Applicant's goods without being used in conjunction with the medical pump; also there is no means to operatively connect registrants' non-inflatable hosiery to a medical pump to provide for active compression therapy. Applicant's goods are designed specifically for use with a highly specialized medical pump and it is

only through the dynamic introduced by the pump system that active compression is achieved.

There is no basis upon which to conclude that mass marketed passive compression socks would share any source or sponsorship with what is, in essence, a highly specialized, medical grade, component “part” of an overall medical therapy system for use in medical settings that is purchased by medical practitioners and clinical suppliers. The fact that all of the goods claim to offer some level of compression therapy does not create the nexus to conclude that there is a likelihood of confusion due to a similar market or similar consumer base. A medical condition does not identify the consuming public. A casual user of passive compression socks or stockings (for example, on an airplane) is not achieving the same goals as a patient with severe trauma who requires sophisticated medical intervention administered by healthcare professionals. For example, a diabetic who purchases products in the local drug store (i.e., sugar free candies, socks and bandages) is not going to necessarily conclude that the manufacturer of those goods is the same as the highly sophisticated dialysis machine available only in the hospital, even if all such goods include a term like “glucose” in the product name. By way of another example, multiple products may be beneficial to a particular condition, but no one would think you could substitute any one product for another and achieve the same results or that all products would provide the same degree of benefit for a full spectrum of conditions that are encapsulated in a broad generic term like “compression therapy”. Even though Applicant’s and registrant’s goods may be geared towards prevention of deep vein thrombus, Applicant addresses this condition by active rather than passive compression therapy, using a distinctly different medical device configured for operation with a pump to inflate and deflate, distributed through different channels of trade. The usual setting in which such products are consumed are generally different. The decision to employ the products is made by different people of different skill levels, and indeed, only certain personnel can even provide access to the Applicant’s goods to achieve compression therapy.

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Here, sophistication of the consuming public is important because, to use the Applicant’s FDA approved goods, you must be a certified healthcare provider who understands how the pump mechanism works in conjunction with Applicant’s goods, how to connect the same to achieve any compression and how to control the entire system to achieve the therapeutic goals. You cannot be mistaken and think a compression sock – even a compression sock for therapeutic use – would work with the pump. The medical pump connects to the Applicant’s goods by way of a tube or connection that channels air to, from and through the Applicant’s goods. Because Applicant’s goods have to be purchased specifically for use with related machinery in order to function, there is no real risk of market confusion here given these circumstances. As an added distinction, the price points for these goods are different. Standard passive compression hosiery range from a few dollars to twenty dollars, whereas the price of Applicant’s active compression medical device is in excess of twenty dollars, and the pump required to utilize the compression functionality of the goods costs thousands of dollars.

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Applicant recognizes that, despite its best efforts, these functionality distinctions may not have been readily apparent in its original description of goods as drafted. Applicant thus proposes amending its goods description as follows to make explicitly clear the way that its goods function, its limited channel of trade and its highly specialized and narrow customer base:

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Applicant requests that to the extent the Examining Attorney seeks further amendment to this description to clarify any of the functionality that the Examining Attorney issue a fresh office action to work through any concerns with this newly revised description of goods. This revision is Applicant’s attempt to clearly delineate its goods from those of the cited registrations by eliminating any ambiguity in how Applicant’s goods actually function.

For all of these reasons, Applicant respectfully requests reconsideration of the Final Office Action.

Respectfully submitted,

THE WEBB LAW FIRM

/crd/

Cecilia R. Dickson

EVIDENCE

Evidence in the nature of Applicant hereby attaches U.S. Reg. Nos. 4,708,725 for ACU-PULSE, 2,106,637 for VENAPULSE, 4,632,905 for VPULSE and Design, 4,369,804 for VPULSE and 4,362,304 for VPULSE SYSTEM. has been attached.

Original PDF file:

[evi_38107150106-20160414100113262272_.2106637.pdf](#)

Converted PDF file(s) (1 page)

[Evidence-1](#)

Original PDF file:

[evi_38107150106-20160414100113262272_.4362304.pdf](#)

Converted PDF file(s) (2 pages)

[Evidence-1](#)

[Evidence-2](#)

Original PDF file:

[evi_38107150106-20160414100113262272_.4369804.pdf](#)

Converted PDF file(s) (2 pages)

[Evidence-1](#)

[Evidence-2](#)

Original PDF file:

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Converted PDF file(s) (2 pages)

[Evidence-1](#)

[Evidence-2](#)

Original PDF file:

[evi_38107150106-20160414100113262272_.4708725.pdf](#)

Converted PDF file(s) (2 pages)

[Evidence-1](#)

[Evidence-2](#)

CLASSIFICATION AND LISTING OF GOODS/SERVICES

Applicant proposes to amend the following class of goods/services in the application:

Current: Class 010 for Medical devices, namely, inflatable garments and therapeutic garments to help prevent deep vein thrombosis in a clinical setting, namely, wraps and limb compression apparatus and sleeves, all of the foregoing with inflatable bladders or pockets for use with pumps to provide active compression through inflation and deflation of the bladders or pockets

Original Filing Basis:

Filing Basis: Section 1(b), Intent to Use: *For a trademark or service mark application:* As of the application filing date, the applicant had a bona fide intention, and was entitled, to use the mark in commerce on or in connection with the identified goods/services in the application. ***For a collective trademark, collective service mark, or collective membership mark application:*** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by members on or in connection with the identified goods/services/collective membership organization. ***For a certification mark application:*** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by authorized users in connection with the identified goods/services, and the applicant will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant.

Filing Basis: Section 44(e), Based on Foreign Registration: *For all applications:* The applicant attaches a copy of [European Community - CTM registration number 012851821 registered 12/11/2014 with a renewal date of _____ and an expiration date of 05/07/2024], and translation thereof, if appropriate. ***For a trademark or service mark application:*** As of the application filing date, the applicant had a bona fide intention, and was entitled, to use the mark in commerce on or in connection with the identified goods/services. ***For a collective trademark, collective service mark, or collective membership mark application:*** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by members on or in connection with the identified goods/services/collective membership organization. ***For a certification mark application:*** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by authorized users on or in connection with the identified goods/services, and the applicant will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods or services that meet the certification standards of the applicant.

Proposed:

Tracked Text Description: ~~Medical devices, namely, inflatable garments and therapeutic garments to help prevent deep vein thrombosis in a clinical setting, namely, wraps and limb compression apparatus and sleeves, all of the foregoing with inflatable bladders or pockets for use with pumps to provide active compression through inflation and deflation of the bladders or pockets;~~ Medical devices, namely, inflatable therapeutic garments to help prevent deep vein thrombosis, namely limb compression apparatus and sleeves, consisting primarily of inflatable bladders and usable only together with pumps and for use in a hospital, long term acute care, skilled nursing or other acute care facility as prescribed by a physician and administered by a healthcare professional to provide active, intermittent, compression therapy through the cyclic and/or sequential inflation and deflation of the inflatable bladders

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SIGNATURE(S)

Request for Reconsideration Signature

Signature: /crd/ Date: 04/15/2016

Signatory's Name: Cecilia R. Dickson

Signatory's Position: Attorney of Record, PA Bar Member

Signatory's Phone Number: (412) 471-8815

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the owner's/holder's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the owner/holder in this matter: (1) the owner/holder has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the owner/holder has filed a power of attorney appointing him/her in this matter; or (4) the owner's/holder's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

The applicant is filing a Notice of Appeal in conjunction with this Request for Reconsideration.

Serial Number: 86276928

Internet Transmission Date: Fri Apr 15 11:09:37 EDT 2016

TEAS Stamp: USPTO/RFR-XX.XXX.XXX.XXX-201604151109370

40572-86276928-5503384ca91ccad7229546f8

97d7f9c806deb5773a1dfa9b836a96d61b0fa384

-N/A-N/A-20160415110739826785

Int. Cl.: 10

Prior U.S. Cls.: 26, 39 and 44

Reg. No. 2,106,637

United States Patent and Trademark Office

Registered Oct. 21, 1997

**TRADEMARK
PRINCIPAL REGISTER**

VENAPULSE

ACI MEDICAL, INC. (CALIFORNIA CORPORATION)
1857 DIAMOND STREET
SAN MARCOS, CA 920695129

FOR: MEDICAL DEVICES FOR APPLYING
EXTERNAL COMPRESSION TO HUMAN
LIMBS FOR PURPOSES OF DIAGNOSIS, PRE-
VENTION OR THERAPY OF VASCULAR AND

LYMPHATIC DISEASES, IN CLASS 10 (U.S.
CLS. 26, 39 AND 44).

FIRST USE 12-0-1989; IN COMMERCE
12-0-1989.

SER. NO. 75-122,082, FILED 6-19-1996.

IRA J. GOODSaid, EXAMINING ATTORNEY

United States of America
United States Patent and Trademark Office

VPULSE SYSTEM

Reg. No. 4,362,304

Registered July 2, 2013

Int. Cl.: 10

TRADEMARK

PRINCIPAL REGISTER

COTHERA LLC (DELAWARE LIMITED LIABILITY COMPANY)
SUITE 100
5204 TENNYSON PARKWAY
PLANO, TX 75024

FOR: THERAPEUTIC MEDICAL SYSTEM THAT PROVIDES A UNIQUE COMBINATION OF REHABILITATIVE THERAPIES, INCLUDING CONTROLLED COLD THERAPY, INTERMITTENT DYNAMIC COMPRESSION THERAPY, AND INTERMITTENT SEQUENTIAL COMPRESSION THERAPY, IN CLASS 10 (U.S. CLS. 26, 39 AND 44).

FIRST USE 4-10-2013; IN COMMERCE 4-10-2013.

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

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "SYSTEM", APART FROM THE MARK AS SHOWN.

SN 85-622,202, FILED 5-10-2012.

KEVIN DINALLO, EXAMINING ATTORNEY



Lucia Street Rea
Acting Director of the United States Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

Requirements in the First Ten Years*
What and When to File:

First Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. See 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.*
See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*
What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or
reminder of these filing requirements.**

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. See 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. See 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.

United States of America
United States Patent and Trademark Office

VPULSE

Reg. No. 4,369,804

Registered July 16, 2013

Int. Cl.: 10

TRADEMARK

PRINCIPAL REGISTER

COTHERA LLC (DELAWARE LIMITED LIABILITY COMPANY)
SUITE 100
5204 TENNYSON PARKWAY
PLANO, TX 75024

FOR: THERAPEUTIC MEDICAL SYSTEM THAT PROVIDES A UNIQUE COMBINATION OF REHABILITATIVE THERAPIES, INCLUDING CONTROLLED COLD THERAPY, INTERMITTENT DYNAMIC COMPRESSION THERAPY, AND INTERMITTENT SEQUENTIAL COMPRESSION THERAPY, IN CLASS 10 (U.S. CLS. 26, 39 AND 44).

FIRST USE 4-10-2013; IN COMMERCE 4-10-2013.

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

SN 85-622,201, FILED 5-10-2012.

KEVIN DINALLO, EXAMINING ATTORNEY



Lucia Street, Esq.
Acting Director of the United States Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE
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Requirements in the First Ten Years*
What and When to File:

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Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.* See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*
What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

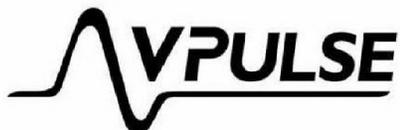
**The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or
reminder of these filing requirements.**

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. See 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. See 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.

United States of America

United States Patent and Trademark Office



Reg. No. 4,632,905

Registered Nov. 4, 2014

Int. Cl.: 10

TRADEMARK

PRINCIPAL REGISTER

COTHERA LLC (DELAWARE LIMITED LIABILITY COMPANY)
SUITE 100
5204 TENNYSON PARKWAY
PLANO, TX 75024

FOR: THERAPEUTIC MEDICAL SYSTEM COMPRISED PRIMARILY OF COMPRESSION WRAPS, A TUBING SET, AND A CONTROL UNIT THAT PROVIDES A UNIQUE COMBINATION OF REHABILITATIVE THERAPIES, NAMELY, CONTROLLED COLD THERAPY, INTERMITTENT DYNAMIC COMPRESSION THERAPY, AND INTERMITTENT SEQUENTIAL COMPRESSION THERAPY, IN CLASS 10 (U.S. CLS. 26, 39 AND 44).

FIRST USE 3-12-2013; IN COMMERCE 5-22-2013.

THE MARK CONSISTS OF "VPULSE" IN STYLIZED FONT WITH A LINE THAT STARTS TO THE LEFT OF "VPULSE" AND GOES UNDER "VPULSE".

SN 85-756,048, FILED 10-17-2012.

DAYNA BROWNE, EXAMINING ATTORNEY



Michelle K. Lee

Deputy Director of the United States
Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

Requirements in the First Ten Years*

What and When to File:

First Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. See 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.* See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*

What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or
reminder of these filing requirements.**

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. See 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. See 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.

United States of America
United States Patent and Trademark Office

ACU-PULSE

Reg. No. 4,708,725

Registered Mar. 24, 2015

Int. Cl.: 10

JIDUE, INC (MASSACHUSETTS CORPORATION), AKA AUDY GLOBAL ENTERPRISES, INC,
1686 COMMONWEALTH AVE
1686 COMMONWEALTH AVE
BRIGHTON, MA 02135

TRADEMARK

PRINCIPAL REGISTER

FOR: ELECTRIC FOOT SPA MASSAGERS; ELECTRIC MASSAGE APPARATUS FOR HOUSEHOLD USE; ELECTRIC MASSAGE APPLIANCES, NAMELY, ELECTRIC VIBRATING MASSAGER; FOOT MASSAGE APPARATUS; MASSAGE CHAIRS; MASSAGE CHAIRS WITH BUILT-IN MASSAGE APPARATUS; MASSAGERS IN THE NATURE OF ELECTROMECHANICAL MASSAGE MECHANISM FOR CHAIRS; MASSAGING APPARATUS FOR PERSONAL USE; MEDICAL APPARATUS, NAMELY, THERAPEUTIC DEVICES FOR DELIVERING SPECIFICALLY ENGINEERED PRESSURE AND GAS MIXTURES FOR MEDICAL BENEFIT; THERAPEUTIC APPARATUS, NAMELY, BODY LIMB THERMAL COMPRESSION UNDERGARMENTS FOR RELIEF OF MUSCULAR AND JOINT PAIN THROUGH TARGETED THERMAL APPLICATION AND COMPRESSION; THERAPEUTIC APPARATUS, NAMELY, CHEMICALLY ACTIVATED ANTI-CELLULITE WRAPS, ICE PACKS, COMPRESSES, AND COMPRESSION BANDAGES; THERAPEUTIC EYE HYDRATION GOGGLES FOR THE TREATMENT OF DRY EYES, IN CLASS 10 (U.S. CLS. 26, 39 AND 44).

FIRST USE 11-1-2012; IN COMMERCE 11-1-2013.

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

SN 85-836,235, FILED 1-30-2013.

AMY ALFIERI, EXAMINING ATTORNEY



Michelle K. Lee

Director of the United States
Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

Requirements in the First Ten Years*
What and When to File:

First Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. See 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.*
See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*
What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the United States Patent and Trademark Office (USPTO). The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. See 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. See 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.

NOTE: A courtesy e-mail reminder of USPTO maintenance filing deadlines will be sent to trademark owners/holders who authorize e-mail communication and maintain a current e-mail address with the USPTO. To ensure that e-mail is authorized and your address is current, please use the Trademark Electronic Application System (TEAS) Correspondence Address and Change of Owner Address Forms available at <http://www.uspto.gov>.